

**EXHIBIT C**  
**(PART 1 OF 2)**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

GERRY WILLIAMS,  
Plaintiff,

vs.

No. C 04-2409 SI(PR)

LT. ROSS, C/O SOTELO,  
C/O S. ROACH, C/O TUNTAKIT,  
C/O T. MAYS, AND DOES 1  
THROUGH 25, INCLUSIVE,

Defendants.

DEPOSITION OF MICHAEL TUNTAKIT  
San Francisco, California  
Thursday, August 31, 2006

Reported by:  
GINA GLANTZ  
CSR No. 9795, RPR, RMR  
JOB No. 3-51969

1 APPEARANCES:

2

3 For Plaintiff:

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7

8 For Defendants:

9 STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
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THROUGH 25, INCLUSIVE,

9 Defendants.

10  
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15  
16 Deposition of MICHAEL TUNTAKIT, taken on behalf of  
17 the Plaintiff, at 50 California Street, 22nd Floor, San  
18 Francisco, California, beginning at 10:04 a.m. and  
19 ending at 3:28 p.m., on Thursday, August 31, 2006,  
20 before GINA GLANTZ, Certified Shorthand Reporter No.  
21 9795.

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1 INDEX

2 WITNESS EXAMINATION  
3 MICHAEL TUNTAKIT

4  
5 BY MR. CALABRO

5

8 EXHIBITS

9 DEPOSITION PAGE

11 One-page calendar journal for August 2003 11

12 One-page calendar journal for September 11  
2003

13 Four-page document titled "Inmate/parolee 189  
Appeal Form"

14 Three-page document, the first page is 213  
titled "Emergency care Flow Sheet"

15 Three-page document titled "Declaration of 240  
Michael Tuntakit in Support of Defendants'  
Motion for Summary Judgment"

19 INSTRUCTION NOT TO ANSWER

20 Page Line

21 5 21

22 53 9

23 256 2

Page 4

1 (Pages 1 to 4)

1 San Francisco, California, Thursday, August 31, 2006  
2 10:04 a.m. - 3:28 p.m.

3  
4 MICHAEL TUNTAKIT,  
5 having been administered an oath, was examined and  
6 testified as follows:  
7

8 EXAMINATION

9 BY MR. CALABRO:

10 Q State your name for the record.

11 A Michael Tuntakit.

12 Q And your address?

13 MR. McDONOUGH: I'm going to object on the  
14 official information privilege of constitutional right  
15 to privacy. I just feel, and I know I mentioned this  
16 yesterday, that I don't want the officers to give their  
17 home addresses on these depositions due to their  
18 positions.

19 I'm going to instruct you not to answer that  
20 question. It's a concern of safety for us.

21 (Instruction not to answer.)

22 BY MR. CALABRO:

23 Q Could you spell your last name, for the record.

24 A It's T-u-n-t-a-k-i-t.

25 Q My name is Toji Calabro, and I represent Gerry

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1 privilege, and he'll instruct you not to answer. Now,  
2 those are the only times that you don't have to answer  
3 the question that I provide to you. Do you understand  
4 that?

5 A Yes.

6 Q Okay. We can take various breaks throughout  
7 today's deposition. I'm not sure how long it will last,  
8 but if you -- if we come to a situation where you feel  
9 like you need to take a break, that's okay, and we'll  
10 try to accommodate that. We'll probably ask you to  
11 finish the answer to the question before we schedule --  
12 actually leave the table, so to speak.

13 Are you taking any medication today?

14 A No.

15 Q Did you not take any medication that you're  
16 prescribed to take today?

17 A No.

18 Q Is there any other reason that you can't give  
19 your best testimony today?

20 A No.

21 Q Now, as I said before, we're -- I'm here to ask  
22 what you know about today's case, and so in regard to  
23 that, I would like you to provide me all relevant  
24 information, and I would ask that your answers be as  
25 complete as possible. Do you understand that?

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1 Williams in a case called Williams against Ross. You're  
2 a defendant in one of those cases. And the purpose of  
3 today's deposition is to get from you whatever testimony  
4 and whatever recollection you remember from the events  
5 surrounding that case and involved with that case. Now,  
6 have you ever been deposed before?

7 A No.

8 Q Okay. Well, the way this is going to work is  
9 I'm going to ask you a series of questions. If you  
10 don't understand a question or if you don't hear a  
11 question properly, please ask me to repeat the question  
12 in order to rephrase the question so that you do  
13 understand it. And the court reporter is going to be  
14 recording every single word that we say, so it's  
15 important to talk clearly, it's important that we don't  
16 talk over one another, and it's important that you give  
17 a verbal answer for each question, so you can't shake  
18 your head or nod or say uh-huh. We need actual answers  
19 with words.

20 At various points your attorney might decide to  
21 object to some of the questions that I ask. Now, those  
22 objections are simply for the record, you still have to  
23 answer the question. At various times he might decide  
24 that a question calls for privilege, as he just did. At  
25 those instances, he'll say that his objection is for

Page 6

1 A Yes.

2 Q Do you understand that the oath that you were  
3 given is the same oath as if you were to testify in  
4 court?

5 A Yes.

6 Q Okay. Do you understand in today's deposition  
7 it's important to be truthful?

8 A Yes.

9 Q Do you understand that in today's deposition,  
10 it's important to be accurate?

11 A Yes.

12 Q And do you understand that in today's  
13 deposition, it's important to add all relevant  
14 information?

15 A Yes.

16 Q In preparation for today's deposition, who did  
17 you speak with?

18 MR. McDONOUGH: I'm going to object on  
19 attorney-client privilege.

20 And I'm going to instruct you not to answer  
21 that question.

22 MR. CALABRO: I think it's legitimate to ask  
23 who he spoke to.

24 MR. McDONOUGH: You can answer that one limited  
25 question about who you spoke to, in preparation.

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1 THE WITNESS: I spoke to Tim McDonough.  
2 BY MR. CALABRO:  
3 Q Did you speak to anybody else?  
4 A No.  
5 Q Have you reviewed any documents in preparation  
6 for today's deposition?  
7 A Yes.  
8 Q What documents have you -- have you reviewed?  
9 A I reviewed these documents that I have in front  
10 of me.  
11 Q Thank you. May I see them?  
12 Are these the only documents that you reviewed?  
13 A Yes.  
14 Q Okay, can you explain what these -- what there  
15 are here?  
16 A These are calendar-dated -- the days that I  
17 worked in B5 throughout the course of that time in  
18 question, September 2003.  
19 Q "RDO" is?  
20 A Regular day off.  
21 Q Okay. And when were -- when were these  
22 prepared?  
23 A Those were prepared, approximately, two months  
24 ago.  
25 Q By you?

Page 9

1 A Yes.  
2 Q Why did you prepare these?  
3 A Just to know the dates that I worked.  
4 Q Was it made for this case, in preparation for  
5 this case?  
6 A Yes.  
7 Q Who instructed you to prepare this?  
8 A Nobody. Myself.  
9 MR. CALABRO: Can we go ahead and mark these as  
10 Exhibits 1 and 2. So Exhibit 1 will be your calendar  
11 for September 2003 and Exhibit 2 will be -- or Exhibit  
12 11 will be, excuse me, September 2003 and then Exhibit  
13 12 will be --  
14 MR. McDONOUGH: I think it may be just a  
15 misunderstanding on that, in that I don't know if -- I  
16 think he made the photocopies two months ago.  
17 THE WITNESS: Correct.  
18 MR. McDONOUGH: Isn't that a photocopy of your  
19 date book?  
20 THE WITNESS: Yeah, it's a photocopy of my date  
21 book that -- I kept -- I keep all my date books.  
22 BY MR. CALABRO:  
23 Q Oh, so you keep -- it's a regular habit for you  
24 to record what days --  
25 A That's --

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1 Q -- where you work where?  
2 A That's correct.  
3 Q And these are photocopies of your own personal  
4 journal?  
5 A That's correct.  
6 Q Okay. So on that basis, I will do August  
7 11th -- August 2003 will be Exhibit 11, and September  
8 2003 will be Exhibit 12.  
9 MR. McDONOUGH: I think a copy -- is that  
10 correct, a copy?  
11 THE WITNESS: It's just a copy of it, of my --  
12 my journal.  
13 (Deposition Exhibits 11 and 12 marked.)  
14 MR. McDONOUGH: These are just attorney-client  
15 privileged documents, so --  
16 MR. CALABRO: Okay, we'll keep these, though,  
17 for the moment.  
18 Q Have you -- have you reviewed any other  
19 documents other than the ones you just provided me?  
20 A No.  
21 Q Okay. I'd like to begin with a little bit of  
22 background about you personally. Can you tell me when  
23 you were born.  
24 A Yes.  
25 Q When was that?

Page 11

1 A I was born March 17th, 1971.  
2 Q Where -- where were you born?  
3 A I was born in Torrance, California.  
4 Q Did you go to high school in Torrance,  
5 California?  
6 A No.  
7 Q Where did you go to high school?  
8 A I went to Ontario High School.  
9 Q Did you graduate from Ontario High School?  
10 A Yes.  
11 Q What did you do after high school?  
12 A I worked.  
13 Q Where did you work?  
14 A I worked at -- at the We-Tip Hotline.  
15 Q I'm sorry?  
16 A We-Tip Hotline.  
17 Q How do you spell that?  
18 A W-e, dash, Tip.  
19 Q What is that?  
20 A It's where people call anonymously to report  
21 crimes and --  
22 Q Oh, so WE as in W-E, TIP?  
23 A Yeah.  
24 Q Okay. When did you graduate from high school,  
25 what year?

Page 12

1 A 1989.  
2 Q When did you start working at WE-TIP hotline?  
3 A Approximately 1990.  
4 Q What did you do between 1989 and -- what did  
5 you do between the time you graduated from high school  
6 and started at WE-TIP hotline?  
7 A I can't recall, can't remember.  
8 Q Can't recall. What was your position at WE-TIP  
9 hotline?  
10 A I was an operator.  
11 Q How long were you there?  
12 A Approximately a year.  
13 Q Until about 1991?  
14 A Um-hmm.  
15 Q What did you do in 1991?  
16 A I can't recall.  
17 Q You don't remember what job you did in 1991?  
18 A No, not off -- not at the moment, I don't.  
19 Q Do you remember what you did in 1992?  
20 A No.  
21 Q When is the next job that you remember?  
22 A I've had -- I had various jobs, I can't recall  
23 the timelines on all of them.  
24 Q What jobs do you remember having?  
25 A I've had that job, I've had a job at McLane

Page 13

1 A I went to a labor -- where they hire out  
2 different people, I worked as another purchasing agent  
3 at a different firm.  
4 Q So you -- okay. So you worked at a different  
5 firm or you worked for --  
6 A A different company.  
7 Q A different company?  
8 A Yes.  
9 Q But do you remember the name of that company?  
10 A It was -- I can't recall the exact name of it,  
11 no.  
12 Q Was it actually a purchasing company? Was  
13 it --  
14 A No, it was --  
15 Q -- an employment agency?  
16 A It was dealing with cooking materials, and I  
17 purchased cooking materials for that company.  
18 Q How long were you there?  
19 A A few months.  
20 Q In the year 2004?  
21 A I can't recall the date.  
22 Q But that was after McLane Manufacturing?  
23 A Yes.  
24 Q And you worked at McLane Manufacturing from  
25 about 2001 to 2004?

Page 15

1 Manufacturing.  
2 Q McLane Manufacturing?  
3 A I can't recall the exact day I started.  
4 Q Do you remember -- do you have a general idea  
5 of when that was?  
6 A 2001.  
7 Q You started in 2001?  
8 A Yes.  
9 Q When -- and how late -- how long did you stay  
10 there?  
11 A Approximately four years.  
12 Q To 2005?  
13 A Approximately. I can't recall at the time,  
14 exactly, when I left there.  
15 Q What was your position there?  
16 A Purchasing.  
17 Q What would you do in that position? What were  
18 your duties?  
19 A Purchase materials.  
20 Q For?  
21 A For manufacturing.  
22 Q What did you manufacture?  
23 A Lawn mowers and edgers.  
24 Q Lawn mowers and edgers. After you left McLane  
25 Manufacturing, what did you do next?

Page 14

1 A I can't recall.  
2 Q You don't know?  
3 A I don't know.  
4 Q Did you work anywhere after that?  
5 A Yes, I did.  
6 Q Where?  
7 A At the Long Beach Convention Center.  
8 Q What did you do there?  
9 A I did purchasing there, as well.  
10 Q Do you remember how long you were there?  
11 A Approximately two to three years.  
12 Q Do you remember the dates?  
13 A No, I don't.  
14 Q Did you do anything after that?  
15 A I worked as a correctional officer.  
16 Q So your job after Long Beach Conventional  
17 Center was -- Convention Center was to be a prison  
18 guard?  
19 A That's correct.  
20 Q Do you remember when you began that position?  
21 A I started at the academy in November of 2002.  
22 Q See, and this is what is confusing, because you  
23 said you were at McLane Manufacturing, starting from  
24 2001 to 2004.  
25 A Well, I couldn't recall the exact dates. I

Page 16

1 just know I worked there for three or four years.  
2 Q Okay. So 2001 to 2004 is probably not right?  
3 A That's probably correct, yes.  
4 Q And so you worked at the -- since November  
5 2002, you worked for the California Department of  
6 Corrections?  
7 A Correct.  
8 MR. McDONOUGH: I think "Corrections" is an  
9 agreeable notation. It's a new term, yes.  
10 BY MR. CALABRO:  
11 Q Without interruption?  
12 A Without interruption.  
13 Q Since November 2002?  
14 A Yes.  
15 Q Have you always worked at "Sa-line-us" Valley  
16 State Prison -- "Sa-lean-us" Valley State Prison?  
17 A As a correctional officer?  
18 Q Yes.  
19 A Yes.  
20 Q Since that time?  
21 A Yes.  
22 Q Do you remember when you actually started at  
23 Salinas Valley State Prison? I know you said the  
24 academy started at November 2002. Do you remember when  
25 you actually began working at Salinas Valley State

Page 17

1 your position?  
2 A It was -- I don't recall the exact name of the  
3 position. It was a relief officer position, and I don't  
4 recall the exact number of the release spot.  
5 Q Were you assigned to Bravo facility regularly?  
6 A Yes, Bravo facility.  
7 Q So every day that you went to work, you would  
8 work at Bravo facility?  
9 A Yes.  
10 Q Have you ever --  
11 A I'd like to clarify something.  
12 Q Sure.  
13 A When I first started Bravo facility, I was in  
14 different buildings, not in the same building.  
15 Q Would you frequently rotate among the different  
16 buildings or would you normally stay and work in a  
17 certain building?  
18 A I would frequently rotate, when I first  
19 started, from Building 1, 2, to 5.  
20 Q Okay. And then did you -- how long did that  
21 last, that you would frequently rotate?  
22 A Not very long, just -- just probably about a  
23 month or so.  
24 Q And then were you assigned to one building in  
25 particular?

Page 19

1 Prison?  
2 A I began Salinas Valley State Prison on March  
3 3rd, I believe was the date, of 2003.  
4 Q And what position did you have?  
5 A I was an OTAP 40. It was an overtime -- there  
6 was no spots available, so I was going from position to  
7 position. I didn't have a regular spot.  
8 Q Was this a full-time position?  
9 A It was a full-time position, yes.  
10 Q And you would just fill in when other people  
11 were on vacation?  
12 A Yes.  
13 Q Is that right?  
14 A Yes. I would fill in any vacant spots.  
15 Q So it was a full-time position, but you didn't  
16 have a regular schedule; is that correct?  
17 A That's correct.  
18 Q Okay. How long were you an OTAP 40?  
19 A I can't recall exactly, but approximately four  
20 to six months.  
21 Q And then what? And then what position did you  
22 have?  
23 A That's when I assumed the position of Bravo,  
24 the Bravo facility.  
25 Q What position was that? What was the name of

Page 18

1 A Yes.  
2 Q Which building was that?  
3 A Building 5.  
4 Q Do you remember when you were assigned to  
5 Building 5?  
6 A Approximately in August.  
7 Q August.  
8 MR. McDONOUGH: August of what year are we  
9 talking about?  
10 MR. CALABRO: 2003.  
11 THE WITNESS: 2003.  
12 BY MR. CALABRO:  
13 Q So it looks like -- starting at about, as you  
14 say, August, it looks like you were exclusively Building  
15 5, according to your -- according to your calendar,  
16 Exhibit 11?  
17 MR. McDONOUGH: I'm going to object as  
18 ambiguous.  
19 BY MR. CALABRO:  
20 Q Is that fair to say?  
21 A Yes.  
22 Q And it looks like, even in September, you were  
23 exclusively assigned to Building 5?  
24 MR. McDONOUGH: I'm going to again just object  
25 on -- ambiguous.

Page 20

1 BY MR. CALABRO:  
2 Q Is that right?  
3 A Yes.  
4 Q Since you -- since you worked in Building 5  
5 exclusively, it looks like, for August and September,  
6 when you were at Salinas State Valley Prison, did you  
7 come to know many of the inmates fairly well?  
8 A Yes.  
9 Q And did you develop any kind of relationships  
10 with any of these inmates?  
11 MR. McDONOUGH: I'm going to object as  
12 overbroad.  
13 THE WITNESS: Can you clarify as to the  
14 relationship?  
15 BY MR. CALABRO:  
16 Q Well, did you have any relationship with any of  
17 them?  
18 A I had a professional relationship with them.  
19 Q Okay. Were you friendly with any of them?  
20 A No, just professional.  
21 Q Did you have any instances in which you were  
22 not friendly with some inmates?  
23 MR. McDONOUGH: I'm going to object as  
24 overbroad and ambiguous.  
25 THE WITNESS: No.

Page 21

1 A Traffic, traffic violation.  
2 Q What was the traffic violation?  
3 A I believe it was -- it was speeding, it was  
4 failure to appear for a speeding ticket.  
5 Q When was that?  
6 A I don't recall the date, over ten years ago.  
7 15 years ago, probably.  
8 Q But you don't know the date?  
9 A No, I don't.  
10 Q What was the resolution of that? What was your  
11 punishment?  
12 A I -- I paid the ticket and I was released.  
13 Q Did you have to go to jail?  
14 A For four -- about four hours.  
15 Q Did you have any community service?  
16 A No.  
17 Q Any probation?  
18 A No.  
19 Q Why did you decide to start working at Salinas  
20 Valley State Prison?  
21 A To further -- to make more money.  
22 Q Is that the only reason?  
23 A For the most part, for a career.  
24 Q Why were you interested in a career in law  
25 enforcement?

Page 23

1 BY MR. CALABRO:  
2 Q Was there ever a situation in which you had a  
3 tense relationship with an inmate?  
4 MR. McDONOUGH: I'm going to object as  
5 ambiguous.  
6 THE WITNESS: Not that I can recall.  
7 BY MR. CALABRO:  
8 Q But is it possible that you did run into -- you  
9 had that kind of relationship, and you just -- you just  
10 don't remember it?  
11 A It's possible, but I don't recall any.  
12 Q Do you recall having any problem inmates at the  
13 time?  
14 MR. McDONOUGH: I'm going to object as to vague  
15 and ambiguous as to the question.  
16 THE WITNESS: Can you repeat the question?  
17 BY MR. CALABRO:  
18 Q Yeah. Do you remember having any problems with  
19 any of the inmates during this time?  
20 A No.  
21 Q Have you ever been arrested?  
22 A Yes.  
23 Q What for? How many times?  
24 A Once.  
25 Q What for?

Page 22

1 A It just appealed to me.  
2 Q What about it appealed to you?  
3 A Mostly the -- the money.  
4 Q Anything else?  
5 A At the time, no.  
6 Q What do you like about your job now?  
7 A I like the relationships that I have with my  
8 staff and other inmates.  
9 Q What kind of relationship do you have with  
10 other inmates that you enjoy?  
11 MR. McDONOUGH: I'm going to object as  
12 overbroad.  
13 THE WITNESS: A professional relationship.  
14 BY MR. CALABRO:  
15 Q Can you describe that relationship?  
16 MR. McDONOUGH: I'm going to object as  
17 ambiguous.  
18 THE WITNESS: Can you clarify?  
19 BY MR. CALABRO:  
20 Q I'm just using your term. You said that you  
21 enj- -- what you enjoyed about your job was the  
22 relationship you had with staff and other inmates, and  
23 I'm asking you to explain that.  
24 A It's, on a daily basis, dealing with different  
25 problems and different -- different attitudes and just

Page 24

1 different people every day.  
 2 Q What kind of attitudes do you deal with?  
 3 A I deal with good attitudes, bad attitudes.  
 4 Q Can you describe for me what a bad attitude is?  
 5 MR. McDONOUGH: I am going to object as  
 6 ambiguous, vague.  
 7 THE WITNESS: Somebody having a bad day, bad  
 8 news from home.  
 9 BY MR. CALABRO:  
 10 Q And how do you deal with that?  
 11 MR. McDONOUGH: I'm going to object as  
 12 overbroad.  
 13 THE WITNESS: I deal with it by talking to the  
 14 inmate, seeing what his problem is.  
 15 BY MR. CALABRO:  
 16 Q And then what?  
 17 A Maybe if I could help him have a better day.  
 18 Q So there's a real sense that you treat inmates  
 19 as people?  
 20 A Yes, I do.  
 21 Q Do you take pride in that?  
 22 A Yes, I do.  
 23 Q Do you have the same sort of rapport with all  
 24 inmates in Building 5?  
 25 A I have a different rapport with each inmate.

Page 25

1 A That's correct.  
 2 Q I'd like you to describe your relationship with  
 3 the staff.  
 4 MR. McDONOUGH: I'm going to object as  
 5 overbroad and calls for a narrative.  
 6 THE WITNESS: Different staff members come in,  
 7 we work together, we deal with the different problems of  
 8 inmates, come to resolutions.  
 9 BY MR. CALABRO:  
 10 Q Would you say you're close with the staff  
 11 members?  
 12 A As a professional partner, yes.  
 13 Q What -- what's the confines of that  
 14 relationship? When you say that you're close as a  
 15 professional partner, what does that mean?  
 16 A It means outside of work, I really don't -- I  
 17 don't mingle with my -- the other staff members from  
 18 work.  
 19 Q But -- okay. On the job, though, could you  
 20 describe what it means to be close as a professional  
 21 partner?  
 22 A We work close together, try to deal with  
 23 situations together as partners.  
 24 Q Is there anything else you enjoy about your  
 25 job? We talked about relationships with staff, we

Page 27

1 Every inmate is different.  
 2 Q Do you have the same sort of attitude of  
 3 treating inmates as prison- -- as people for every  
 4 inmate in Building 5?  
 5 MR. McDONOUGH: I'm going to object as a  
 6 confusing question, ambiguous and vague.  
 7 MR. CALABRO: Sure.  
 8 Q I can rephrase it if it's confusing.  
 9 A Yeah, please rephrase it.  
 10 Q You just said you take pride in treating  
 11 people -- inmates as people?  
 12 A Correct.  
 13 Q And I'm asking do you treat all inmates the  
 14 same way? You said, "It depends." My question, to  
 15 clarify, was: Do you treat every inmate as a person and  
 16 take pride in that for all of the inmates?  
 17 A Yes.  
 18 Q Without exception?  
 19 A Without exception, yes.  
 20 Q Including Gerry Williams?  
 21 A Including Gerry Williams, yes.  
 22 Q I'd like to talk a little bit more about the  
 23 relationship with staff, then. You said that you  
 24 enjoyed -- one of the things you enjoy about your job  
 25 was your relationship with the staff?

Page 26

1 talked about relationships with the inmates, and we  
 2 talked about the money. Is there anything else you  
 3 enjoy?  
 4 A I enjoy the benefits.  
 5 Q What kind of benefits?  
 6 A The medical benefits, retirement benefits.  
 7 Q Anything else?  
 8 A Not that I can think of right now.  
 9 Q What do you dislike about your job?  
 10 A I haven't come to dislike anything about it.  
 11 Q There's nothing that bothers you at your job?  
 12 A No.  
 13 Q You don't get frustrated at your job?  
 14 A No.  
 15 Q At all?  
 16 A No.  
 17 Q Ever?  
 18 A No.  
 19 Q Now that you are assigned to Bravo facility,  
 20 what are your duties on a daily basis?  
 21 MR. McDONOUGH: I'm going to object as to time.  
 22 Vague as to time.  
 23 MR. CALABRO: Very good.  
 24 Q In August -- in August and September of 2003,  
 25 what were your duties at Salinas State Prison as a Bravo

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7 (Pages 25 to 28)



1 facility officer?  
2 A As a Bravo facility officer in Building 5, I  
3 was a floor officer.  
4 Q And what does that entail?  
5 A I worked on the floor of B5.  
6 Q What would you do every day?  
7 A Supervise inmates.  
8 Q Does that mean you'd walk around, sit in an  
9 office? How do you supervise?  
10 A It depends on the situation. If the inmates  
11 were out, the inmates were locked up, it's a  
12 different -- there's many scenarios, but we supervise  
13 them as far as if they're in the dayroom, we'd supervise  
14 the dayroom.  
15 Q And how do you supervise the dayroom?  
16 A Observing from --  
17 Q Do you mingle with the inmates? Do you sit in  
18 a certain guard post? Do you --  
19 A We -- we -- we sit -- me and my partner will  
20 usually sit on the podium, which is in the middle of the  
21 dayroom, and observe the dayroom from there.  
22 Q How long does the dayroom last?  
23 A Approximately an hour to an hour and a half.  
24 Q There is also something called the yard; is  
25 that right?

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1 Q What are the different programs?  
2 A We have regular program, we have modified  
3 program.  
4 Q Any other kind of programs?  
5 A We have lockdown.  
6 Q Anything else?  
7 A Not that I can think of.  
8 Q How do you cell-feed on a regular program?  
9 A We deliver trays to each cell in Buildings 1  
10 through 5.  
11 Q So you physically go get food for the inmates,  
12 and bring it to their cells?  
13 A That's correct.  
14 Q And this is on a regular program?  
15 A That's a modified program.  
16 Q Oh, this is a modified program?  
17 MR. McDONOUGH: So we're talking about the  
18 modified program?  
19 MR. CALABRO: I thought we were talking about  
20 the regular program.  
21 THE WITNESS: You didn't specify.  
22 BY MR. CALABRO:  
23 Q So --  
24 MR. McDONOUGH: Yeah, I'll just object as  
25 vague.

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1 A That's correct.  
2 Q Do you ever -- do you ever supervise the yard?  
3 A Not from the B5 floor position, I didn't.  
4 Q So in August and September of 2003, you never  
5 supervised the yard?  
6 A Not from the B -- not when I was working on the  
7 floor.  
8 Q Okay. But -- I understand that. But did you  
9 ever, even -- I mean, were you always working the floor  
10 in August and September of 2003?  
11 A That I can recall.  
12 Q So you don't ever recall supervising the yard  
13 in August or September of 2003?  
14 A Not that I recall.  
15 Q What other kinds of situations are there that  
16 you -- that you do on a daily basis?  
17 MR. McDONOUGH: I'm going to object as  
18 overbroad.  
19 THE WITNESS: We would -- we would cell-feed.  
20 BY MR. CALABRO:  
21 Q Cell-feed, what does that entail?  
22 A Feeding the inmates their -- their food  
23 portions.  
24 Q And how do you do that?  
25 A It depends on the program.

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1 BY MR. CALABRO:  
2 Q When you deliver trays to cells, that's a  
3 modified program?  
4 A That's correct.  
5 Q What is regular program?  
6 A Regular program would be when all inmates would  
7 walk to the Facility B chow hall, and return back to  
8 their buildings on their own.  
9 Q And what about lockdown?  
10 A On lockdown, it's also cell feeding.  
11 Q So the same as a modified program?  
12 A That's correct.  
13 Q So, so far we talked about dayroom, yard, cell  
14 feeding. Is there anything else?  
15 A Lock -- no, just lockdown.  
16 Q No, I mean, the activities that you supervise,  
17 you said that there are many. The ones we've talked  
18 about so far are dayroom, yard, which you didn't do, and  
19 cell-feed. Is there any other activities that you would  
20 supervise?  
21 A Not that I can think of at this time.  
22 Q What do inmates do when they're not in dayroom,  
23 yard or cell feeding?  
24 A I don't know.  
25 Q Don't you supervise them?

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1 A Yes, I do.  
2 Q What do you supervise them doing?  
3 A Which inmate? Any inmate or --  
4 Q No, I mean just in general. I mean --  
5 MR. McDONOUGH: I'm going to object as  
6 overbroad, general and vague.  
7 MR. CALABRO: I mean -- I'm sorry, are you  
8 finished?  
9 MR. McDONOUGH: Go ahead. Yes.  
10 BY MR. CALABRO:  
11 Q So the point of this deposition is that I'm  
12 trying to understand the situation.  
13 A Okay.  
14 Q So I'm asking you questions to understand the  
15 situation. I don't know what it's like, so I'm trying  
16 to ask you broad questions so you can explain to me the  
17 situation.  
18 A Okay.  
19 Q I want to know what you do on a daily basis.  
20 So I'd like you to describe the kinds of things that you  
21 do. I want an -- I want to be able to have a visual  
22 picture of what you're doing on a daily basis, so I'm  
23 asking you the kinds of things that you do.  
24 A Okay.  
25 Q Do you understand that?

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1 A At certain times they do.  
2 Q At what times do they have free access?  
3 A When the -- when the dayroom is released or  
4 when the yard is released, they have the options.  
5 Q Let's talk a little bit more about that. So  
6 dayroom, I understand it, has -- is there is a certain  
7 schedule for dayroom release; is that right?  
8 A Yes, there is.  
9 Q What are -- what are the times that day (sic)  
10 release happens?  
11 A I don't know about the early shift, second  
12 watch shift, but on the third watch shift we have a  
13 dayroom, night dayroom, at 7:00 p.m.  
14 Q 7:00 p.m. to what?  
15 A Until 9 o'clock, I believe.  
16 Q So from 7:00 -- at 7 o'clock, then, do the  
17 guards who open the doors open all the doors and people  
18 just -- all the inmates can come out and they can leave  
19 and go as they want?  
20 MR. McDONOUGH: Objection. It's a vague and  
21 ambiguous question.  
22 THE WITNESS: No.  
23 BY MR. CALABRO:  
24 Q How does it work?  
25 A The floor officers would go from cell to cell

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1 A Yes, I do.  
2 Q Okay. So now we talked a little bit about you  
3 supervising the inmates. We know that you supervise  
4 them in dayroom, we know that you supervise them  
5 generally in the yard, but you didn't do it these  
6 particular months, and we know that you cell-feed the  
7 inmates.  
8 A Okay.  
9 Q What other kinds of things do you do?  
10 A We supervise them on showers, we pass out -- we  
11 pass out mail, we supervise their phone time during  
12 dayroom.  
13 Q Is there a situation in which inmates are  
14 sitting in their cells? I mean, is it most of the day  
15 that they're sitting in the cell or is it most of the  
16 day that they're out on dayroom or eating or some other  
17 activity?  
18 MR. McDONOUGH: I'm going to object as vague  
19 and ambiguous and a compound question.  
20 THE WITNESS: Depending on the inmate, every --  
21 I mean, some inmates prefer to stay in their cells, some  
22 people prefer to come out.  
23 BY MR. CALABRO:  
24 Q Do they have free access in and out of their  
25 cells?

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1 allowing the inmates that are privileged to come out at  
2 that time.  
3 Q Okay. So let's say we -- for example, we'll  
4 start at cell 101, and they'll go to the 101 and if  
5 10- -- the inmates in 101 have privileges to go to  
6 dayroom, the door will open and they can leave --  
7 MR. McDONOUGH: I'm going to object --  
8 BY MR. CALABRO:  
9 Q -- is that right?  
10 MR. McDONOUGH: I'm going to object that the  
11 question assumes facts that are not yet in evidence.  
12 THE WITNESS: That's correct.  
13 BY MR. CALABRO:  
14 Q I mean, I'm just trying -- I'm not trying to  
15 lead you. I'm just trying to ask if that's how it  
16 happens.  
17 A Usually.  
18 Q Okay. And after inmates are released from a  
19 particular cell, is that door then shut?  
20 A Yes.  
21 Q And then they're taken either to the dayroom or  
22 outside for the yard?  
23 A At -- at that time, September of 2003, there  
24 was no yard. It was only a dayroom.  
25 Q Okay. And the dayroom is inside the building?

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1 A That's correct.  
2 Q So if inmates leave the cell to go to the  
3 dayroom, can they come back to their cell?  
4 A Yes, usually.  
5 Q And do they have to have special permission to  
6 come back to their cell?  
7 A From the -- from the control booth officer, is  
8 the one that has access to open the doors.  
9 Q Is there anyone stopping him from leaving the  
10 dayroom?  
11 A Can you clarify? Leaving the building or --  
12 Q No, absolutely, that's fine.  
13 So the dayroom is not -- is the dayroom right  
14 outside the cell?  
15 A Yes.  
16 Q Oh, I see. So then if he wants to go back into  
17 his cell, he would just ask the guard to let him back  
18 into his cell?  
19 A That's correct.  
20 Q Okay. And that -- and going back to one's cell  
21 is -- the permission to do that is freely given?  
22 A Usually.  
23 MR. McDONOUGH: Objection. Overbroad.  
24 BY MR. CALABRO:  
25 Q Usually?

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1 A (No audible response.)  
2 Q Is that a yes?  
3 A Yes.  
4 Q Do you remember Mr. Williams' schedule in  
5 August of 2003, August 3rd of 2003?  
6 A Can you clarify as "schedule"?  
7 Q Do you -- do you remember what activities he  
8 was doing on August 3rd of 2003?  
9 A I recall him being in his cell.  
10 MR. McDONOUGH: Are you talking about August  
11 3rd of 2003?  
12 MR. CALABRO: Right, August 3, 2003.  
13 MR. McDONOUGH: Okay.  
14 THE WITNESS: August?  
15 BY MR. CALABRO:  
16 Q Right.  
17 A I can't recall.  
18 Q Were you working August -- it looks like,  
19 according to this Exhibit 11, you were working August 3  
20 of 2003 in Building 5.  
21 A That's correct.  
22 Q And that's true?  
23 A That's true.  
24 Q Do you remember what you were doing that day?  
25 A No, I do not.

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1 Q Do you remember anything about that day?  
2 A Not that I recall.  
3 Q Do you even remember who you might have been  
4 working with that day?  
5 A No, I don't.  
6 Q Did you work with the same people regularly?  
7 A No, I did not.  
8 Q Are you the only one who had a regular schedule  
9 that -- such that you would work the same building every  
10 day?  
11 A Yes.  
12 Q Why is that?  
13 A I don't know.  
14 MR. McDONOUGH: Speculative.  
15 BY MR. CALABRO:  
16 Q Would you say you're friends with any of the  
17 inmates?  
18 A No.  
19 Q Have you had any conflicts with any of the  
20 prisoners?  
21 MR. McDONOUGH: Objection. Vague as to  
22 "conflict."  
23 THE WITNESS: Can you clarify as "conflict"?  
24 BY MR. CALABRO:  
25 Q Do you have an understanding of the word

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1 "conflict"?  
2 A It could be a problem.  
3 Q Is that your understanding of the word  
4 "conflict"?  
5 A Yes.  
6 Q Okay. We'll use your definition. Have you  
7 ever had any problem with any inmate?  
8 A Yes.  
9 Q What kind of problems have you had with  
10 inmates?  
11 A I've had inmates who were having bad days. I  
12 have inmates who were refusing to go back to their  
13 cells. I have inmates who wanted to assault other  
14 inmates.  
15 Q Anything else?  
16 A Not that I recall at this time.  
17 Q Not that you recall at this time. How do you  
18 deal with inmates who refuse to go back to their cells?  
19 MR. McDONOUGH: I'm going to object as to vague  
20 and ambiguous and overbroad.  
21 THE WITNESS: I would verbally try to persuade  
22 them back into the cell.  
23 BY MR. CALABRO:  
24 Q And if that doesn't work?  
25 MR. McDONOUGH: I'm going to object as to vague

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1 and overbroad.  
2 THE WITNESS: I would then go to the next --  
3 next level, try to reasonably -- reasonable force,  
4 pepper spray or physical force.  
5 BY MR. CALABRO:  
6 Q To put them back into their cell?  
7 MR. McDONOUGH: I'm going to object as an  
8 incomplete hypothetical, vague and ambiguous.  
9 THE WITNESS: Can you clarify? If they're  
10 resisting, if they're --  
11 BY MR. CALABRO:  
12 Q I'm asking you. I'm -- I'm asking you to  
13 describe conflicts that you've had in the past.  
14 A Yeah, but --  
15 MR. McDONOUGH: I'm going to object as  
16 overbroad and vague and ambiguous.  
17 THE WITNESS: I usually get by with verbal --  
18 verbal persuasion.  
19 BY MR. CALABRO:  
20 Q And what do you say that would be verbally  
21 persuasive?  
22 A "Take it to your cell," ask them what the  
23 problem -- why they don't want to return to their cell  
24 and try to rectify the problem.  
25 Q And does verbal persuasion work in every

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1 instance that you've ever had a problem with?  
2 MR. McDONOUGH: I'm going to object as to  
3 overbroad and incomplete hypothetical.  
4 THE WITNESS: As regarding -- referring to  
5 locking inmates up, yes.  
6 BY MR. CALABRO:  
7 Q It's always worked?  
8 A For me, yes.  
9 Q You've always been able to verbally persuade an  
10 inmate back into their cell?  
11 A Yes.  
12 Q What do you do when inmates are threatening to  
13 assault another inmate?  
14 MR. McDONOUGH: I'm going to object as  
15 overbroad and incomplete hypothetical.  
16 BY MR. CALABRO:  
17 Q In the past, what have you done when other  
18 inmates -- when inmates have either attempted to or did  
19 assault other inmates?  
20 A I would -- I would order -- give them direct  
21 orders to stop, stop what they're doing.  
22 Q And did that always work in the past?  
23 MR. McDONOUGH: Object as incomplete  
24 hypothetical.  
25 THE WITNESS: No.

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1 BY MR. CALABRO:  
2 Q What did you do next if that didn't work?  
3 MR. McDONOUGH: I'm going to object as  
4 overbroad and ambiguous question.  
5 THE WITNESS: Next would be my use of force of  
6 OC pepper spray.  
7 BY MR. CALABRO:  
8 Q And how would you do that?  
9 MR. McDONOUGH: I'm going to object as an  
10 incomplete hypothetical, ambiguous and vague question.  
11 THE WITNESS: I would spray the combatants with  
12 OC pepper spray.  
13 BY MR. CALABRO:  
14 Q Is there a particular part of the body that you  
15 would spray?  
16 A I would -- I would spray --  
17 MR. McDONOUGH: I'm going to object as  
18 incomplete hypothetical, vague and overbroad.  
19 THE WITNESS: I would spray to the upper body,  
20 facial area of the inmates.  
21 BY MR. CALABRO:  
22 Q Is this what you're trained to do?  
23 A Yes.  
24 Q What's the procedure at Salinas Valley State  
25 Prison of using pepper spray? When is it authorized to

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1 be used?  
2 MR. McDONOUGH: I'm going to object as vague,  
3 overbroad and incomplete hypothetical.  
4 THE WITNESS: It's used to stop an attacker,  
5 gain compliance with a lawful order, subdue -- subdue an  
6 inmate.  
7 BY MR. CALABRO:  
8 Q I'm sorry, so there was attack, an attacker,  
9 subdue an inmate and gain compliance with a lawful  
10 order; is that right?  
11 A That's correct.  
12 Q So any order that you give an inmate, if they  
13 don't follow it, you can use pepper spray on them?  
14 MR. McDONOUGH: I'm going to object as an  
15 incomplete hypothetical, vague and ambiguous.  
16 THE WITNESS: No.  
17 BY MR. CALABRO:  
18 Q What orders are you allowed to use pepper spray  
19 on? Excuse me, for violations of which orders can you  
20 then use pepper spray on inmates?  
21 MR. McDONOUGH: I'm going to object as to vague  
22 and ambiguous.  
23 THE WITNESS: At your discretion, it depends on  
24 the incident.  
25 BY MR. CALABRO:

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1 Q So ultimately, it comes down to the guard's  
2 discretion?  
3 A Yes.  
4 Q Is there a review process, by a supervisor or  
5 anyone else, every time a guard uses his pepper spray?  
6 MR. McDONOUGH: I'm going to object as  
7 incomplete hypothetical, and calls for speculation.  
8 THE WITNESS: As far as I'm aware, yes.  
9 BY MR. CALABRO:  
10 Q Every time that a guard uses his pepper spray,  
11 he's reviewed by his supervisor?  
12 A As far as I'm aware, yes.  
13 Q Have you ever used your pepper spray?  
14 A Yes, I have.  
15 Q On many occasions or a few occasions?  
16 A I've used it on maybe -- maybe two occasions.  
17 Q What were those two occasions?  
18 A One was to stop an attacker from attacking me.  
19 Q From attacking you?  
20 A Yes. Me and my partner.  
21 Q What was the other time?  
22 A The other time was an approximately 20-man  
23 riot.  
24 Q And how did you use your pepper spray then?  
25 A I sprayed inmates in the facial area to try to

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1 A Yes.  
2 Q That tone of voice?  
3 A I don't recall what tone of voice it was.  
4 Q What did they say in response?  
5 A They said "No."  
6 Q And what did you say?  
7 A I can't recall exactly what I said at the time.  
8 Q Do you remember -- do you remember if you said  
9 something?  
10 A I could have, yes.  
11 Q Do you remember what you said?  
12 A No.  
13 Q Do you remember how you said it and what tone  
14 of voice?  
15 A No, I don't.  
16 Q Do you remember how much -- do you remember  
17 what happened next?  
18 A After we sprayed them?  
19 Q So they said no, and what -- what happened  
20 next?  
21 A They said no. We, my partner and I, went to --  
22 to their location to physically escort them back to  
23 their cells.  
24 Q So you went up to them; is that right?  
25 A Yes.

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1 stop them.  
2 Q Was that effective?  
3 A Yes.  
4 Q I want to get back to this first example of you  
5 using your pepper spray. You said that you were  
6 stopping an attack -- an attacker from attacking you.  
7 Can you explain, sort of, what happened leading up to  
8 that attack?  
9 A Yes.  
10 Q Please explain.  
11 A There were two inmates on the dayroom floor.  
12 Q Do you remember the names of these inmates?  
13 A No, I do not at this time. And they were under  
14 the influence of alcohol, they were refusing to return  
15 back to their cells. And my partner and I went down to  
16 the dayroom floor to assist them to their cells, and  
17 they -- they turned on us and attempted to strike us in  
18 the face.  
19 Q Immediately turned on you?  
20 A When we -- when we -- when we were at their  
21 location, yes.  
22 Q When you approached them, what did you say to  
23 them?  
24 A "Return to your cells."  
25 Q Just like that?

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1 Q And you grabbed ahold of them?  
2 A No.  
3 Q What happened?  
4 A We walked up to them and before we can get to  
5 them, they turned towards us and lunged at us, trying to  
6 strike us in the face.  
7 Q And is this -- then what happened?  
8 A Then we sprayed them.  
9 Q What happened next?  
10 A We placed them in handcuffs, and we took them  
11 out of the facility to holding cells.  
12 Q Did any -- did a supervisor review your use of  
13 pepper spray in that case?  
14 A I believe they did, yes.  
15 Q You believe they did or they did?  
16 A I believe -- yes, they did.  
17 Q Are you guessing or do you know?  
18 A Yes, they did.  
19 Q Did somebody come and talk to you about your  
20 use of pepper spray?  
21 A No.  
22 Q How do you know that they investigated your use  
23 of the pepper spray?  
24 A As far as I'm aware, all use-of-force options  
25 are reviewed by a review board, use-of-force review

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1 board.  
2 Q Were you notified of their decision?  
3 A No.  
4 Q Do you have any independent verification that  
5 this review happened?  
6 A No, I don't.  
7 Q So when you said that, you know, this review  
8 happened, you were just saying that because that's what  
9 the policy is --  
10 A Yes.  
11 Q -- as you understand it?  
12 A That's correct.  
13 Q You don't know if it actually happened?  
14 A No, I'm not present.  
15 Q Okay. What about with the 20-man race riot,  
16 was there a review of your use of the pepper spray then?  
17 A Yes, I believe there was.  
18 Q Do you know that there was or do you think that  
19 there was?  
20 A I wasn't present the second -- as the first  
21 case, I believe that there was.  
22 Q Did anybody notify you of the decision of the  
23 review panel?  
24 A No.  
25 Q Are you aware of any investigation of -- by

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1 Q "Yes" what?  
2 A Yes, these panels may or may not happen.  
3 Q You don't know?  
4 A I don't know.  
5 Q Nobody you know of has ever been reprimanded  
6 for the use of pepper spray?  
7 MR. McDONOUGH: I'm going to object as  
8 speculative.  
9 THE WITNESS: No one that I know of has  
10 never -- that I know of, no.  
11 BY MR. CALABRO:  
12 Q I'm sorry, just to be clear, you don't know of  
13 anybody who has been reprimanded for the use of pepper  
14 spray; is that correct?  
15 A Correct.  
16 Q Other than the current situation, other than  
17 this current case with Mr. Williams, have you ever been  
18 accused of mistreating an inmate?  
19 A No.  
20 Q Have you ever had a 602 filed against you?  
21 A Not that I'm aware of.  
22 Q Not that you're aware of?  
23 A Right.  
24 Q You don't remember any, right now anyway?  
25 A No, not that I'm aware of.

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1 your superior -- supervisors on any use of pepper spray?  
2 MR. McDONOUGH: Objection. Overbroad, vague.  
3 THE WITNESS: Can you repeat the question?  
4 BY MR. CALABRO:  
5 Q Sure. You just said that there were  
6 investigations -- that you believe that the policy is  
7 that any use of force is reviewed by some panel; is that  
8 right?  
9 A Correct.  
10 Q Do you have any independent verification of any  
11 time one of those investigations has taken place?  
12 A No.  
13 Q Have you ever been notified of any panel  
14 deciding that the use of force was unauthorized?  
15 MR. McDONOUGH: I'm going to object to vague  
16 and ambiguous as to who we're talking about.  
17 THE WITNESS: Can you repeat that?  
18 BY MR. CALABRO:  
19 Q Sure. Have you ever heard of the panel  
20 notifying anyone of a decision of their investigation?  
21 A Not that I'm aware of.  
22 Q So as far as you know, these panels might not  
23 ever happen -- these panel investigations might not ever  
24 happen?  
25 A As far as I know, I -- yes.

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1 Q Have you ever been reprimanded in any capacity  
2 for any of your actions as a -- as a guard at Salinas  
3 Valley State Prison?  
4 MR. McDONOUGH: I'm going to object on official  
5 information privilege, constitutional right to privacy  
6 regarding the personnel files of officers, and also I'm  
7 going to say that the question is vague and ambiguous.  
8 MR. CALABRO: Okay.  
9 MR. McDONOUGH: And I'm going to -- I'm going  
10 to ask you if -- are you talking about adverse actions?  
11 I can't remember what your --  
12 MR. CALABRO: What do you mean by "adverse  
13 actions"?  
14 MR. McDONOUGH: Well, I don't know what your  
15 word was, so I'm asking you. I can't remember what you  
16 said. Was there investigations or --  
17 MR. CALABRO: I want to know -- I want to know  
18 if he's ever been accused of mistreating a prisoner.  
19 MR. McDONOUGH: Well, that's not what your last  
20 question was, I don't think.  
21 MR. CALABRO: Well, through a 602.  
22 MR. McDONOUGH: I think there was a subsequent  
23 question to that.  
24 MR. CALABRO: What was the subsequent question  
25 to that?

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1 (Record read.)  
 2 MR. McDONOUGH: I was objecting to that  
 3 question as vague and ambiguous. And I'm going to  
 4 direct him -- that goes to personnel file of officers.  
 5 MR. CALABRO: Fine.  
 6 MR. McDONOUGH: And I'm going to -- I'm going  
 7 to -- I'm going to instruct you not to answer that  
 8 question.  
 9 (Instruction not to answer.)  
 10 BY MR. CALABRO:  
 11 Q Has there ever been any sort of -- have you  
 12 ever been reprimanded in any capacity for your treatment  
 13 of inmates?  
 14 A Yes.  
 15 Q How many times?  
 16 A I'm -- I'm sorry, can -- can you rephrase the  
 17 question?  
 18 MR. McDONOUGH: Yeah, the question is vague and  
 19 ambiguous.  
 20 THE WITNESS: Yeah.  
 21 BY MR. CALABRO:  
 22 Q What's -- what's not clear?  
 23 A Have I been reprimanded by my supervisor, is  
 24 that --  
 25 Q Or anybody. Have you ever been reprimanded --

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1 Q I'm sorry, yes?  
 2 A Yes, it's possible that I have a 602 that I'm  
 3 unaware of.  
 4 Q In fact, there's a process by which 602s go  
 5 through a bypass procedure; is that right?  
 6 A That's correct.  
 7 Q And a bypass procedure is a situation which a  
 8 602 will be filed against you and you don't know about;  
 9 it; is that true?  
 10 A That's correct.  
 11 Q Even if it's bypassed, are you ever notified?  
 12 Do you know if you'd ever be notified of that 602?  
 13 MR. McDONOUGH: Objection. Overbroad.  
 14 THE WITNESS: I -- I don't know.  
 15 BY MR. CALABRO:  
 16 Q You don't know. So it's possible that there  
 17 are many 602s against you that were bypassed that you  
 18 wouldn't know about?  
 19 MR. McDONOUGH: Objection. Speculative.  
 20 THE WITNESS: It's possible.  
 21 BY MR. CALABRO:  
 22 Q Okay. Do you know much about the bypass  
 23 procedure?  
 24 MR. McDONOUGH: Vague -- objection. Vague and  
 25 ambiguous.

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1 MR. McDONOUGH: The question is overbroad.  
 2 BY MR. CALABRO:  
 3 Q Have you ever been reprimanded by anybody for  
 4 the way that you treated a prisoner or prisoners?  
 5 A No.  
 6 Q In any capacity?  
 7 A No.  
 8 Q Then why did you answer yes? What did -- what  
 9 did you think I asked?  
 10 A I thought you asked -- I thought you were  
 11 asking if I've ever been 602'd by an inmate, and I was  
 12 referring yes to the 602 on Mr. Williams.  
 13 Q Has there been any other 602s?  
 14 A Not that I'm aware.  
 15 Q Is it frequent that -- is it possible that  
 16 you've been 602'd -- I don't know if that's proper to  
 17 say. Have you ever had a 602 filed against -- let me  
 18 start again.  
 19 Is it possible that you've had a 602 filed  
 20 against you that you don't know about?  
 21 MR. McDONOUGH: Objection.  
 22 THE WITNESS: Yeah.  
 23 MR. McDONOUGH: I'm going to object as an  
 24 incomplete hypothetical, vague.  
 25 BY MR. CALABRO:

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1 THE WITNESS: Yes.  
 2 BY MR. CALABRO:  
 3 Q Who decides if a 602 will be bypassed?  
 4 MR. McDONOUGH: Objection. Overbroad.  
 5 THE WITNESS: I believe the sergeant.  
 6 BY MR. CALABRO:  
 7 Q So it's not a decision that the inmates makes,  
 8 it's a decision that the supervisor makes?  
 9 A Or the inmate -- the appeal coordinator.  
 10 Q So either the appeal coordinator or the  
 11 sergeant?  
 12 A Depending -- yeah.  
 13 Q It's somebody -- it's somebody who is a guard  
 14 or official at Salinas -- Salinas Valley State Prison,  
 15 it's not an inmate; is that right?  
 16 A That's correct.  
 17 Q That's your understanding?  
 18 A That's my understanding.  
 19 Q Do you have any understanding as to under what  
 20 situations a guard or an official will decide whether to  
 21 bypass it?  
 22 MR. McDONOUGH: Objection. Overbroad,  
 23 speculative.  
 24 THE WITNESS: No.  
 25 BY MR. CALABRO:

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1 Q Is there any policy or procedure that you know  
2 of for determining whether a 602 will be bypassed?  
3 MR. McDONOUGH: Objection. Overbroad.  
4 THE WITNESS: Not that I know of.  
5 BY MR. CALABRO:  
6 Q Under what circumstances are inmates allowed to  
7 leave their cells? And I know that there are various  
8 situations, so let's break it down a little bit.  
9 What I'm trying to understand now is the degree  
10 of freedom that an inmate will have in the prison. So I  
11 understand that there are various programs. Now, it's  
12 my understanding that, in August of 2003, early August  
13 of 2003, Building 5, Bravo 5, was on a modified program.  
14 Do you remember that?  
15 A I can't recall exactly what program they were  
16 on.  
17 Q Let's talk about regular program, then.  
18 A Okay.  
19 Q Normally with reg- -- normally with regular  
20 program, are there various times of day that inmates are  
21 just locked in their cells?  
22 A Yes.  
23 Q What times of days are those?  
24 A It would be count time.  
25 Q Count time. Anytime else?

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1 A And in between yard and dayroom.  
2 Q How long does that last?  
3 MR. McDONOUGH: Objection. Vague and  
4 ambiguous.  
5 THE WITNESS: Depends on which watch you're  
6 talking about. I only work the third watch.  
7 BY MR. CALABRO:  
8 Q Well, what time is dayroom?  
9 A Dayroom is at 7 o'clock.  
10 Q 7:00 to what? 7:00 to?  
11 A 7:00 to 9 o'clock p.m.  
12 Q Okay. And what time is yard?  
13 A There's no yard at the p.m. times.  
14 Q Okay, well, what happens before 7 o'clock?  
15 A We cell-feed.  
16 Q Are they in their cells then?  
17 A Yes.  
18 MR. McDONOUGH: Vague and ambiguous.  
19 BY MR. CALABRO:  
20 Q So cell-feed is another time that they're in  
21 their cells. Is there any other times that they're in  
22 their cells -- locked in their cells? I guess when they  
23 sleep?  
24 A Yes.  
25 Q What time -- is there a lights-out time or a

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1 time that they're supposed to be sleeping or --  
2 A No.  
3 Q What times are they locked in their cells for  
4 sleeping?  
5 A From 9:15 until the morning.  
6 Q What time in the morning?  
7 MR. McDONOUGH: Objection. Speculative.  
8 THE WITNESS: I wasn't -- I don't work --  
9 usually work the morning shift so I don't --  
10 it depends on who's there, what time, who gets --  
11 BY MR. CALABRO:  
12 Q Have you ever worked the morning shift?  
13 A Yes, I have.  
14 Q What time did they wake up -- what time were  
15 they allowed out of the cells in the morning when you  
16 worked there?  
17 A It depends on which inmates. Some -- some  
18 inmates work at 4 o'clock in the morning for dining,  
19 some people go -- go to education release, and chapel  
20 release. It depends on the inmate.  
21 Q Is there a time when generally inmates are --  
22 well, what time is breakfast, I guess?  
23 A Usually around 6:30.  
24 Q 6:30 a.m.?  
25 A a.m.

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1 Q Are guards -- are inmates let out before 6:30  
2 a.m. if they're not working or going to school?  
3 MR. McDONOUGH: Objection. Overbroad.  
4 THE WITNESS: Not that I know of.  
5 BY MR. CALABRO:  
6 Q Not that you know of. Are there any other  
7 times that you can think of that inmates are locked in  
8 their cells under regular program?  
9 A If they're in loss of privilege.  
10 Q Okay. Any other time?  
11 A If their -- if their custody -- custody level  
12 does not permit them to be out at a certain time.  
13 Q So for regular inmates on regular program, is  
14 there any other time that they can leave their cell  
15 during -- I mean, or locked in their cell? I'm sorry,  
16 let me start again.  
17 A Yeah, repeat that, please.  
18 Q On regular program for regular inmates --  
19 A Uh-huh.  
20 Q -- is there any other time that they're locked  
21 in their cells? We have -- so far we have count time,  
22 we have in between yard and dayroom, we have cell-feed  
23 and when they're sleeping. Is there any other time?  
24 MR. McDONOUGH: I'm going to object. I'm going  
25 to object as overbroad.

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15 (Pages 57 to 60)



1 THE WITNESS: As far as I know, that's the only  
2 time they would be locked in their cells.  
3 BY MR. CALABRO:  
4 Q I'm interested in these times, so this count  
5 time, or, more importantly, like in between day and  
6 yard. Is there ever a time that an inmate will be  
7 allowed to leave their cell during that time?  
8 MR. McDONOUGH: I'm going to object. I'll  
9 object as overbroad.  
10 THE WITNESS: Can you clarify which time you're  
11 talking about?  
12 BY MR. CALABRO:  
13 Q In between yard and dayroom.  
14 A Yes, they -- they can be released.  
15 Q For what purposes?  
16 A I don't know.  
17 Q Has it ever happened?  
18 A Yes, it has.  
19 Q And for what instances in the past has that  
20 happened?  
21 A If the inmate needs to come out to use the  
22 telephone or to see the sergeant or for medical reasons.  
23 Q Can you think of any others?  
24 A For a shower.  
25 Q How does one get permission to go have a

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1 Q And do guards generally grant permission to  
2 have a shower?  
3 MR. McDONOUGH: Objection. Overbroad, calls  
4 for speculation.  
5 BY MR. CALABRO:  
6 Q In this time period?  
7 MR. McDONOUGH: Objection. Overbroad, calls  
8 for speculation.  
9 THE WITNESS: Can you clarify your question?  
10 BY MR. CALABRO:  
11 Q Sure. I'll ask it again and you tell me what's  
12 not clear.  
13 A Yeah.  
14 Q We're talking about this time period, we're  
15 talking about reasons that people can leave. You said  
16 one of the reason were showers.  
17 A Um-hmm.  
18 MR. McDONOUGH: What time period are we talking  
19 about?  
20 MR. CALABRO: In between yard and day.  
21 MR. McDONOUGH: Okay.  
22 THE WITNESS: Yard and dayroom.  
23 BY MR. CALABRO:  
24 Q Dayroom, right.  
25 A Okay.

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1 shower?  
2 A He can -- he can ask the control booth officer  
3 on his way in to the dayroom, on his way -- you know,  
4 during the dayroom, he can ask one of the floor officers  
5 to -- request that officer let him out for a shower.  
6 Q And is there any procedure for deciding whether  
7 an inmate can have a shower?  
8 A Usually, generally if he -- if he has -- go to  
9 education or if he's a worker, he's -- he's allowed to  
10 have a shower or if he has a medical situation where he  
11 needs a shower, on a daily basis, he'll get one at that  
12 time.  
13 Q What if it's just a regular inmate?  
14 A Then they would shower during dayroom while  
15 they're out.  
16 Q So he wouldn't be allowed to shower in between  
17 dayroom and yard -- day time -- when he's locked in his  
18 cell in between day time and yard time, he wouldn't be  
19 allowed to shower at that time?  
20 MR. McDONOUGH: Objection. Vague, overbroad,  
21 incomplete hypothetical, speculative.  
22 THE WITNESS: He could have a shower.  
23 BY MR. CALABRO:  
24 Q If he got permission from a guard?  
25 A Correct.

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1 MR. McDONOUGH: Do we know what time yard is?  
2 MR. CALABRO: I think so.  
3 THE WITNESS: From the -- from the afternoon  
4 yard?  
5 MR. CALABRO: I mean, do you have a question  
6 for him?  
7 MR. McDONOUGH: Well, not for him. I'm just  
8 not sure that's clear on the record now. I just want to  
9 make sure we're clear talking about the time span. It  
10 appears to me there were -- there's several yards during  
11 the day, that's why I'm objecting that the question is  
12 ambiguous and vague. I'm sorry, ambiguous and vague. I  
13 should just note the objection.  
14 MR. CALABRO: Okay.  
15 MR. McDONOUGH: All right.  
16 THE WITNESS: Yeah, can you clarify for me if  
17 it's during the day yard or afternoon yard?  
18 BY MR. CALABRO:  
19 Q I asked you times that they were going to be  
20 locked in their cells.  
21 A Correct.  
22 Q One of the times you gave me. The second time  
23 you gave me was in between yard and dayroom?  
24 A Correct.  
25 Q That's what you told me.

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1 A Yes.  
2 Q So I'm talking about that time. During that  
3 time, I asked you what are different reasons that an  
4 inmate can leave the prison. One of them you gave me  
5 was telephone, another one you said was see a sergeant,  
6 you also said medical reasons, and then you said a  
7 shower. We are now talking about permissions for  
8 showers during that time period.  
9 A Okay. Okay.  
10 MR. McDONOUGH: Okay.  
11 BY MR. CALABRO:  
12 Q Are you clear?  
13 MR. McDONOUGH: I'm going to object. I think  
14 the question is ambiguous and vague.  
15 MR. CALABRO: What's ambiguous to you?  
16 THE WITNESS: I just -- I'm not clear on your  
17 question.  
18 BY MR. CALABRO:  
19 Q Do you understand the time period we're talking  
20 about?  
21 A Not exactly, because there's two different  
22 yards, there's morning yard and afternoon yard and then  
23 there's dayroom.  
24 Q Okay. Are -- okay, so there's morning yard?  
25 A Yeah, there's morning yard.

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1 this time?  
2 MR. McDONOUGH: I'm going to object as  
3 overbroad, ambiguous and calls -- incomplete  
4 hypothetical.  
5 THE WITNESS: They could ask a guard.  
6 BY MR. CALABRO:  
7 Q My question is: Is there any procedure or  
8 policy for granting permission to take a shower during  
9 this time, for these -- for these people who don't have  
10 special circumstances?  
11 A Not that I'm aware of.  
12 Q It's up to the guard's discretion?  
13 A Yes.  
14 Q Is that discretion usually -- I'm sorry, I'll  
15 rephrase the question.  
16 Do guards usually grant permission for these  
17 showers at this time period?  
18 MR. McDONOUGH: Objection. Speculative, calls  
19 for speculation.  
20 THE WITNESS: They could.  
21 BY MR. CALABRO:  
22 Q Do you know whether they regularly grant  
23 permission for showers at this time period?  
24 MR. McDONOUGH: Objection. Speculative.  
25 THE WITNESS: I -- I don't know what -- I don't

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1 Q Which one were you talking about when I -- when  
2 I --  
3 A I was just talking in general.  
4 Q In general?  
5 A Yeah.  
6 Q I'm talking about in general.  
7 A Okay.  
8 MR. McDONOUGH: Objection. I'm going to object  
9 based on ambiguity.  
10 BY MR. CALABRO:  
11 Q So in general, can someone get a shower during  
12 this time period?  
13 A They could.  
14 MR. McDONOUGH: Objection. Ambiguous.  
15 BY MR. CALABRO:  
16 Q They could. And you said the way they do that  
17 is they ask a guard for permission?  
18 A Correct.  
19 Q I asked you if there are any procedures, and  
20 you said, well, if they're working or for medical  
21 reasons. And I said for regular people who don't have  
22 any of these special circumstances, can they still get  
23 showers during this time?  
24 A Yes.  
25 Q And what do they need to do to take a shower at

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1 know.  
2 BY MR. CALABRO:  
3 Q You don't know. Do you know if there's any  
4 record kept of the times that people have asked for  
5 showers?  
6 A Not that I'm aware of.  
7 Q Is there a record kept of the times that people  
8 are granted showers?  
9 A Yes.  
10 Q How is that kept? How is that record kept?  
11 A There's a -- there's a record of lockdown  
12 showers, if we're referring to lockdowns.  
13 Q We're referring to just regular showers for  
14 regular inmates during -- in between yard and dayroom.  
15 A No, there's -- not that I'm aware of.  
16 Q So a guard can deny or grant an inmate's  
17 request with no record either way?  
18 A Yeah.  
19 MR. McDONOUGH: Objection. Ambiguous.  
20 BY MR. CALABRO:  
21 Q I'd like to talk now a little bit about the  
22 medical care at Salinas Valley State Prison.  
23 First of all, do you need to take a break?  
24 A Yeah.  
25 MR. McDONOUGH: I could use a quick one, do you

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17 (Pages 65 to 68)

1 mind?

2 MR. CALABRO: That's fine.

3 (Recess 11:03 a.m. - 11:12 a.m.)

4 MR. McDONOUGH: Back on the record. Attorney

5 Calabro, my client would like to clarify an answer he

6 gave probably an hour ago or so regarding -- you had

7 asked about him being arrested.

8 MR. CALABRO: Okay.

9 MR. McDONOUGH: And he did explain the traffic

10 incident. He did -- he has a -- he wants to explain

11 that there was another arrest. He was never charged or

12 anything like that.

13 THE WITNESS: Yeah.

14 MR. McDONOUGH: But he feels, and I do too, he

15 wants to explain it.

16 MR. CALABRO: Okay, great.

17 MR. McDONOUGH: So I'm going to object to the

18 question about the arrest in general on relevancy, and

19 on potentially official information privilege, and

20 potentially Fifth Amendment privileges. He's going to

21 give -- he's going to explain something and I may have

22 further objections.

23 MR. CALABRO: Very good.

24 MR. McDONOUGH: Okay?

25 THE WITNESS: Okay, there was another time. I

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1 was 17, I don't recall the exact date or day, but I was

2 placed under arrest for questioning regarding

3 allegations from a girlfriend that lived with me, and

4 the charges were dropped, and I -- I didn't even hear

5 anything regarding the allegations or --

6 BY MR. CALABRO:

7 Q You don't know what the allegations were?

8 A No, I don't.

9 MR. McDONOUGH: Did you know that even charges

10 were filed?

11 THE WITNESS: I didn't even know charges were

12 filed until I was placed under arrest.

13 BY MR. CALABRO:

14 Q But charges -- but charges were filed?

15 MR. McDONOUGH: Or do you know?

16 THE WITNESS: I don't know, I don't even know.

17 BY MR. CALABRO:

18 Q Do you know what the situation regarded?

19 A Not exactly, no.

20 Q What's your impression of what the situation

21 was?

22 A I was just under the impression that my live-in

23 girlfriend, who was 19, filed charges against me. Don't

24 know what the charges were. I was 17 at the time.

25 There was nothing told to me about what the charges

Page 70

1 were.

2 MR. McDONOUGH: I'm going to object to the

3 potentially -- due to the age of 17, there may be

4 privileges regarding juvenile status and so forth, so to

5 preserve that for the record.

6 BY MR. CALABRO:

7 Q Was it -- do you know if it was related to

8 domestic violence?

9 A I don't know if it was related to domestic

10 violence or not.

11 Q Was it some sort of -- you don't know anything

12 about it?

13 A I don't know what's in the file exactly.

14 Q Do you remember what the questions they asked

15 you were?

16 A No, I don't.

17 Q Did you have an impression as to what incidents

18 they were talking about at the time?

19 A Yeah, I believe it might have -- they asked me

20 questions if we had sex, if we had any kind of domestic

21 violence. There were questions pertaining to that.

22 Q And no charges were ever filed?

23 A No.

24 Q Do you know why charges were never filed?

25 A No.

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1 Q Did you ever ask her about these charges?

2 A I didn't speak to her.

3 Q You never saw her again?

4 A No.

5 Q You made no attempt to talk to her?

6 A No.

7 MR. McDONOUGH: He felt compelled to -- to just

8 let you know because, I think, the question was have you

9 ever been arrested.

10 MR. CALABRO: Right.

11 MR. McDONOUGH: And that's why he wanted -- he

12 just remembered it, and I thought it would be

13 appropriate to --

14 MR. CALABRO: Very good. Okay. I mean, it

15 might have been relevant if had violence, in the pursuit

16 of the Fifth Amendment case.

17 THE WITNESS: Okay.

18 MR. McDONOUGH: And I'm objecting that it's not

19 relevant, but we can always argue about that later if we

20 had to.

21 BY MR. CALABRO:

22 Q Do you want to clarify anything else?

23 A Not at the time.

24 Q Let's talk about medical treatment at --

25 "Sa-lean-us" or "Sa-line-us"? I keep getting it mixed

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1 up.  
2 A I pronounce it "Sa-lean-us."  
3 Q Is there a debate about whether it should be  
4 "Sa-lean-us" or "Sa-line-us"?  
5 A Not really, everybody calls it "Sa-lean-us."  
6 Q I'm from Kansas City, and there's a Salinas,  
7 Kansas, that's why.  
8 MR. McDONOUGH: This is a Midwestern  
9 pronouncement, maybe.  
10 MR. CALABRO: We have a "Na-vade-a" Missouri,  
11 instead of Nevada, but whatever.  
12 Q Anyway, back to relevant topics.  
13 Medical treatment at Salinas Valley State  
14 Prison. Could you please describe for me all the  
15 medical facilities at Salinas Valley State Prison?  
16 A Now or --  
17 Q In 2003.  
18 A In 2003, the medical facilities we have on  
19 Facility B is called the Facility B Health Services.  
20 Q Was that the only facility on campus?  
21 A There's also a CTC, Correctional Treatment  
22 Center.  
23 Q Anything else?  
24 A Each yard has their own -- there's A, B, C and  
25 D yard, with each yard having their own health services.

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1 Q Let's take Facility B Health Services first.  
2 Are there doctors at Facility B Health Services?  
3 MR. McDONOUGH: Objection. Speculative.  
4 THE WITNESS: At times.  
5 BY MR. CALABRO:  
6 Q At times?  
7 A Yeah.  
8 Q Do you know what times those doctors are there?  
9 A I --  
10 MR. McDONOUGH: Objection. Speculative.  
11 THE WITNESS: I don't know of the exact time  
12 they're there. They have their own hours.  
13 BY MR. CALABRO:  
14 Q Are their nurses there?  
15 MR. McDONOUGH: Objection. Speculative.  
16 THE WITNESS: At times there are nurses there.  
17 BY MR. CALABRO:  
18 Q Let's back up. Have you been to Facility B  
19 Health Services?  
20 A Yes, I have.  
21 Q How big is it? Can you give me an idea if it's  
22 like a big facility, is it a small facility, is it an  
23 extra room, is it a few rooms?  
24 A There's a few rooms.  
25 Q Okay.

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1 A Probably three -- four or five rooms.  
2 Q Four or five rooms, okay. Is it always  
3 staffed? Is there somebody always there 24 hours?  
4 A No.  
5 MR. McDONOUGH: Objection. Speculative.  
6 BY MR. CALABRO:  
7 Q What are the hours for the health -- for the --  
8 for the center?  
9 A I know that they are out of there at 10:00  
10 o'clock when I leave. I don't know what time they get  
11 there.  
12 Q Okay.  
13 MR. McDONOUGH: 10 o'clock p.m.?  
14 THE WITNESS: p.m., I'm sorry, yes.  
15 BY MR. CALABRO:  
16 Q Do you know what sort of staff is at the  
17 services until 10:00 p.m., at this facility until 10:00  
18 p.m.?  
19 MR. McDONOUGH: Objection. Overbroad, and  
20 calls for speculation.  
21 THE WITNESS: You're referring to Facility B --  
22 BY MR. CALABRO:  
23 Q Yes.  
24 A -- and third watch? I would -- I would see  
25 MTAs or LVNs.

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1 Q What is an MTA?  
2 A It's a medical technical assistant.  
3 Q An LVN is just a licensed nurse?  
4 A Licensed vocational nurse.  
5 Q So you said you would see either an MTA or an  
6 LVN, or would you see both or would you see more than  
7 one?  
8 A It depends.  
9 Q It depends. Do you know what it depends on?  
10 A It depends on who's there that day. They  
11 have -- I don't know how they do their -- their  
12 staffing. It could be two LVNs and an MTA or two MTAs  
13 and an LVN.  
14 Q Is there always one of them there during normal  
15 hours?  
16 MR. McDONOUGH: Objection. Calls for  
17 speculation.  
18 THE WITNESS: No.  
19 BY MR. CALABRO:  
20 Q When -- do you know how frequently people are  
21 not there?  
22 MR. McDONOUGH: Objection. Calls for  
23 speculation.  
24 THE WITNESS: No, I don't.  
25 BY MR. CALABRO:

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1 Q You don't know that. What would you do  
2 if you -- if a prisoner needed medical attention but  
3 there was nobody at health services?  
4 MR. McDONOUGH: Objection. Calls for  
5 speculation.  
6 THE WITNESS: It depends on the circumstances.  
7 BY MR. CALABRO:  
8 Q Is there a procedure to follow?  
9 A Depends on the circumstances.  
10 Q What would it depend on?  
11 A If it was a life-threatening situation.  
12 Q Who decides whether it's a life-threatening  
13 situation?  
14 MR. McDONOUGH: Calls -- objection. Calls for  
15 speculation, incomplete hypothetical.  
16 THE WITNESS: The officers.  
17 BY MR. CALABRO:  
18 Q The officer?  
19 A Or the inmate.  
20 Q Either the inmate or the officer. Is there a  
21 particular procedure that you were to follow as an  
22 officer to determine whether a particular problem is  
23 life-threatening or not?  
24 A To determine?  
25 Q (No audible response.)

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1 BY MR. CALABRO:  
2 Q I'm sorry, it could or it is?  
3 MR. McDONOUGH: Objection. Calls for  
4 speculation.  
5 BY MR. CALABRO:  
6 Q Let me ask the question again, because I think  
7 we got --  
8 MR. McDONOUGH: I'm sorry.  
9 BY MR. CALABRO:  
10 Q If an inmate tells you it's a life-threatening  
11 situation, you just have to assume that it's a  
12 life-threatening situation; is that true?  
13 MR. McDONOUGH: Objection. Incomplete  
14 hypothetical, calls for speculation.  
15 THE WITNESS: I could.  
16 BY MR. CALABRO:  
17 Q So you don't have to believe -- you don't have  
18 to assume that it's a life-threatening situation?  
19 A I wouldn't assume --  
20 MR. McDONOUGH: Objection. Calls for  
21 speculation.  
22 BY MR. CALABRO:  
23 Q I'm sorry?  
24 A I wouldn't assume, but I could.  
25 Q So it's always -- so really, you're the one who

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1 MR. McDONOUGH: Objection. Overbroad.  
2 THE WITNESS: Not that I'm aware of.  
3 BY MR. CALABRO:  
4 Q How does an officer make a determination  
5 whether a particular medical problem is life-threatening  
6 or not?  
7 A Based on my observations, if there's a lot of  
8 blood flowing from his head, I would assume that this  
9 would be -- could be a potentially life-threatening  
10 situation.  
11 Q So it's based on your discretion as to whether  
12 you are going to decide if this is life-threatening or  
13 not?  
14 A No, it's based on either me or the inmate's  
15 discretion. If the inmate is unable to tell me that  
16 he's got a knife stuck in his back, then I'd have to  
17 make that decision, that that could be a  
18 life-threatening decision.  
19 Q So if an inmate tells you that it's a  
20 life-threatening situation, you just have to assume it's  
21 a life-threatening situation?  
22 A Yeah.  
23 MR. McDONOUGH: Calls -- objection. Calls for  
24 speculation, incomplete hypothetical.  
25 THE WITNESS: It could, yes.

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1 determines whether it's a life-threatening situation?  
2 A No, it's either me or the inmate that would  
3 determine.  
4 Q But you just said if an inmate tells you that  
5 it's life-threatening, you then verify whether you think  
6 it's life-threatening; isn't that right?  
7 MR. McDONOUGH: Objection. Calls for  
8 speculation, mischaracterization of testimony.  
9 THE WITNESS: No.  
10 BY MR. CALABRO:  
11 Q Let's back up.  
12 A Okay.  
13 Q If an inmate tells you it's life-threatening --  
14 A Yes.  
15 Q -- is it considered life-threatening?  
16 A I would consider it life-threatening.  
17 Q Always?  
18 MR. McDONOUGH: Objection. Calls for  
19 speculation, incomplete hypothetical.  
20 THE WITNESS: I would -- I would -- I would  
21 consider it life-threatening.  
22 BY MR. CALABRO:  
23 Q In every case?  
24 MR. McDONOUGH: Objection. Incomplete  
25 hypothetical, calls for speculation, overbroad.

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1 THE WITNESS: I don't know.  
2 BY MR. CALABRO:  
3 Q You don't know?  
4 A No.  
5 Q My question is this: You're -- you're saying  
6 that there are either -- there's two different ways that  
7 a problem could be decided as life-threatening. You  
8 said, one, an inmate can decide if it's  
9 life-threatening, and two, you could decide if it's  
10 life-threatening; right?  
11 A Correct.  
12 Q We sort of talked a little bit about how you  
13 decide if it's life-threatening. And I'm now trying to  
14 get to an idea, an understanding of how a prisoner  
15 decides if it's life-threatening; right?  
16 MR. McDONOUGH: Objection. Calls for  
17 speculation.  
18 BY MR. CALABRO:  
19 Q How does a prisoner let you know that something  
20 is life-threatening?  
21 MR. McDONOUGH: Objection. Incomplete  
22 hypothetical, calls for speculation.  
23 THE WITNESS: It depends.  
24 BY MR. CALABRO:  
25 Q Can he tell you that it's life-threatening?

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1 MR. McDONOUGH: Objection.  
2 THE WITNESS: No.  
3 BY MR. CALABRO:  
4 Q Well, you just said that you always verify  
5 whether or not a prisoner is telling you the truth about  
6 it being life-threatening. You always make a decision  
7 on whether you think it's life-threatening?  
8 MR. McDONOUGH: Objection. Mischaracterization  
9 of the testimony.  
10 THE WITNESS: Whether I believe it's  
11 life-threatening or not, I don't make the final decision  
12 on if it's life-threatening or not.  
13 BY MR. CALABRO:  
14 Q Who makes the final decision?  
15 A The medical staff.  
16 Q The original question I asked you was what  
17 would you do if there's nobody at the Facility B Health  
18 Services. And you just said, "It depends on whether  
19 it's life-threatening or not." Remember that? Do you  
20 remember that?  
21 A I remember you asking me, if there's no medical  
22 staff there, who would determine -- no, I don't remember  
23 you asking who would determine.  
24 Q No, I asked you: If there was a medical  
25 problem and there was no staff at Facility B Health

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1 A He could tell -- he could verbally tell me it's  
2 life-threatening.  
3 Q Is there ever a situation in which he would  
4 tell you it's life-threatening, but you would decide  
5 it's not life-threatening?  
6 A No.  
7 Q Never?  
8 MR. McDONOUGH: Objection. Incomplete  
9 hypothetical, calls for speculation.  
10 THE WITNESS: Not usually.  
11 BY MR. CALABRO:  
12 Q Can you give me an example of something that --  
13 of a situation in which it would happen, that a prisoner  
14 would tell you something is life-threatening and you  
15 would decide it's not life-threatening?  
16 MR. McDONOUGH: Objection. Calls for  
17 speculation.  
18 THE WITNESS: I had an inmate who had a spider  
19 bite on his elbow, and he thought he was going to die.  
20 BY MR. CALABRO:  
21 Q Okay. And then you would say, "I don't think  
22 that's life-threatening"?  
23 A Correct.  
24 Q All right. So in essence, you always decide if  
25 it's life-threatening?

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1 Services, and there's a medical problem, what would you  
2 do? That was the question.  
3 A I would try to get --  
4 MR. McDONOUGH: Objection. Calls for  
5 speculation, incomplete hypothetical.  
6 BY MR. CALABRO:  
7 Q And I believe the answer you gave me was it  
8 would depend on whether it was life-threatening. Do you  
9 remember that?  
10 MR. McDONOUGH: I'm going to object as vague  
11 and ambiguous.  
12 MR. CALABRO: All right. We'll start again.  
13 THE WITNESS: Okay.  
14 BY MR. CALABRO:  
15 Q If you had a medical problem and there's nobody  
16 at Facility B Health Services, what would you do?  
17 A Okay.  
18 MR. McDONOUGH: Objection. Vague and  
19 ambiguous.  
20 THE WITNESS: It depends on what the situation  
21 was.  
22 BY MR. CALABRO:  
23 Q What are the different situations that there  
24 could possibly be?  
25 MR. McDONOUGH: Objection. Overbroad.

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1 THE WITNESS: It could be countless. It could  
2 be an inmate with a knife in his neck.  
3 BY MR. CALABRO:  
4 Q Is there a normal protocol for what you do when  
5 there's a medical problem and there's nobody at Facility  
6 B Health Services?  
7 MR. McDONOUGH: Objection. Calls for  
8 speculation, incomplete hypothetical.  
9 THE WITNESS: There's no protocol but there's  
10 procedures that we could -- we can run down to locate a  
11 medical staff.  
12 BY MR. CALABRO:  
13 Q What are the procedures?  
14 A We can use our two-way radio.  
15 Q Anything else?  
16 A We can call on the phone to locate the medical  
17 staff in one of the buildings.  
18 Q Anything else?  
19 A We can call the CTC emergency room.  
20 Q Anything else?  
21 A Not that -- not that I know of at the time.  
22 Q So Facility B Health Services is -- is a  
23 medical treatment center on Yard B?  
24 A Yes.  
25 Q How far away is that from Building 5?

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1 it's chow time, if the yard is out.  
2 Q Let's say it's at -- it's at 7:00 p.m.  
3 A 7:00 p.m.?  
4 MR. McDONOUGH: Objection. Incomplete  
5 hypothetical, calls for speculation.  
6 THE WITNESS: It depends on the inmate, if he's  
7 allowed to be out at that time.  
8 BY MR. CALABRO:  
9 Q Well, let's give me all the options. Okay, if  
10 there's an inmate who's allowed to be out -- if he's  
11 allowed to be out at the time, what happens then?  
12 A If he's allowed to be out, he can walk to -- to  
13 the medical services by himself.  
14 Q What if he's on LOP?  
15 A If he's on loss of privileges, he can --  
16 MR. McDONOUGH: Objection. Calls for  
17 speculation, incomplete hypothetical.  
18 THE WITNESS: If he's on LOP, it depends on if  
19 his -- what his custody status is.  
20 BY MR. CALABRO:  
21 Q What are the different custody statuses?  
22 A There's --  
23 MR. McDONOUGH: Objection. Overbroad.  
24 THE WITNESS: There's a lot of custody  
25 statuses. There's Close B and Close A inmates.

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1 A Approximately 50 yards.  
2 Q So how long would it take to walk there?  
3 MR. McDONOUGH: Objection. Speculative.  
4 THE WITNESS: It depends on who you're walking  
5 with.  
6 BY MR. CALABRO:  
7 Q How long would it take Mr. Williams to walk  
8 there?  
9 MR. McDONOUGH: Objection. Speculative.  
10 THE WITNESS: I don't know.  
11 BY MR. CALABRO:  
12 Q How long would it take you to walk there?  
13 A About a minute.  
14 Q About a minute. How is an inmate escorted to  
15 Facility B Health Services?  
16 MR. McDONOUGH: Objection.  
17 BY MR. CALABRO:  
18 Q Or how does an inmate get there? Like if he  
19 has a medical problems, how do you get to the facility?  
20 MR. McDONOUGH: Objection. Incomplete  
21 hypothetical, calls for speculation.  
22 THE WITNESS: It depends on the -- it depends.  
23 BY MR. CALABRO:  
24 Q What are your options?  
25 A It depends if it's a -- we're on lockdown, if

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1 Q What does that mean? Close B, C-l-o-s-e?  
2 A Yeah.  
3 Q A?  
4 A Yes.  
5 Q Close A, Close B?  
6 A Yeah.  
7 Q Anything else?  
8 A There's -- those are the main ones.  
9 Q Okay, what is -- what does Close A mean?  
10 A Just designates the time they're allowed out of  
11 their cells, nighttime.  
12 Q Close A is nighttime?  
13 A Close A's and B's, they can't be out past 8  
14 o'clock.  
15 Q What's the difference between Close A and Close  
16 B?  
17 A The security risk.  
18 Q What's the difference between how you would  
19 treat a Close A or Close B if they had medical problems  
20 and needed to get to a facility?  
21 MR. McDONOUGH: Objection. Lacks -- incomplete  
22 hypothetical, lacks foundation, calls for speculation.  
23 THE WITNESS: It depends on the time of the  
24 medical situation.  
25 BY MR. CALABRO:

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1 Q So I'm asking, what's the difference between  
2 Close A and Close B?  
3 A Their security level.  
4 Q Right. Would you treat somebody who is Close A  
5 different than you would treat somebody who is Close B  
6 for medical purposes?  
7 MR. McDONOUGH: Objection. Incomplete  
8 hypothetical, calls for speculation.  
9 THE WITNESS: Not usually.  
10 BY MR. CALABRO:  
11 Q Not usually?  
12 A No.  
13 Q And when would you treat them differently?  
14 A I don't know.  
15 MR. McDONOUGH: Objection.  
16 BY MR. CALABRO:  
17 Q You can't think of anything?  
18 MR. McDONOUGH: Calls for speculation,  
19 incomplete hypothetical.  
20 BY MR. CALABRO:  
21 Q You can't think of an example?  
22 A No, I don't know.  
23 Q Are there any other custody statuses?  
24 MR. McDONOUGH: Objection. Overbroad.  
25 BY MR. CALABRO:

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1 A I don't work in that, no, I can't.  
2 Q You don't work when?  
3 A In ad -- administrative segregation.  
4 Q So somebody who is ad seg wouldn't be in  
5 Building 5?  
6 A No.  
7 Q Oh, okay. So they're not -- what about Medium  
8 A, would they be somebody who is in Building 5?  
9 A At that time, no.  
10 Q At what time?  
11 A On September 3rd.  
12 Q So no?  
13 A No.  
14 Q Medium B, would they be in Building 5 on  
15 September 3 --  
16 A No.  
17 Q -- September 6th?  
18 A Not that I'm aware of.  
19 Q Would Close A -- B -- Close B be in Medium --  
20 in Building 5 at the time?  
21 A They could be at that time.  
22 Q What about Close A?  
23 A They could be at that time.  
24 Q Is there anybody else, any other custody status  
25 that could be in Building 5 at this time?

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1 Q Close A, Close B?  
2 A Yes, there is.  
3 Q What are they?  
4 A There's -- there's maximum.  
5 Q Okay.  
6 A There's Medium A, there's Medium B, and that's  
7 all I could think of at the time.  
8 Q What's maximum?  
9 A That's usually someone who is in ad seg,  
10 administrative segregation.  
11 Q And so what happens if they have a medical  
12 problem --  
13 MR. McDONOUGH: Objection. Speculative.  
14 BY MR. CALABRO:  
15 Q -- and they need --  
16 MR. McDONOUGH: Incomplete hypothetical, calls  
17 for speculation, lacks foundation.  
18 BY MR. CALABRO:  
19 Q And what would happen if he needs to get to an  
20 MTA?  
21 A It depends.  
22 Q What does it depend on?  
23 A I don't know, there's so many -- there's so  
24 many variables.  
25 Q Can you name some variables that --

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1 A Not that I'm aware of.  
2 Q How would you take somebody who is Close A or  
3 Close B to the medical facility?  
4 MR. McDONOUGH: Objection. Incomplete  
5 hypothetical, calls for speculation.  
6 THE WITNESS: Can you clarify?  
7 BY MR. CALABRO:  
8 Q Sure. Somebody who is in their cell at 6  
9 o'clock, 7 o'clock, 8 o'clock p.m., one is -- you know,  
10 it's different. Let me start again.  
11 What I'm trying to get at is how you would  
12 transport an inmate who has a medical problem to the  
13 medical facility called Facility B Health Services?  
14 A Okay.  
15 Q I'm asking you how they get there. You said it  
16 depends.  
17 A Yes.  
18 Q So now I'm trying to find out the different  
19 ways that they can get there.  
20 A Okay. They can get there by themselves.  
21 Q Okay. By walking?  
22 A By walking.  
23 Q And that should take no more than four minutes  
24 to get there?  
25 MR. McDONOUGH: Objection. Calls for

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1 speculation.  
2 THE WITNESS: It depends.  
3 BY MR. CALABRO:  
4 Q It depends?  
5 A Yeah.  
6 Q It takes you one minute?  
7 A It takes me one minute.  
8 Q Okay. They can walk. What's another option?  
9 A They could be escorted by another officer.  
10 Q What's another option?  
11 A They can be escorted by -- with medical staff.  
12 Q What's another option?  
13 A They could be taken by emergency response  
14 vehicle.  
15 Q Is that an ambulance?  
16 A That's an ambulance.  
17 Q Is there another option?  
18 A I mean --  
19 Q So far you've got walk, escorted by officer,  
20 escorted by medical staff and ambulance. Anything else?  
21 A And he can be taken by a gurney.  
22 Q Okay.  
23 A He could be taken by a wheelchair, he could  
24 have been carried over somebody's shoulder.  
25 Q Anything else?

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1 who is on -- even within the class of people who are  
2 loss of privileges, there's still different  
3 circumstances?  
4 A For loss of privileges, no, but different  
5 inmates, different custody, different times.  
6 Q I'm talking about for people who are on loss of  
7 privileges.  
8 A No.  
9 Q "No" what?  
10 A There's no -- there's no special protocol for  
11 loss of privileges.  
12 Q How would -- how -- how would you get  
13 somebody -- how does somebody get medical attention if  
14 they're on loss of privileges?  
15 MR. McDONOUGH: I'm going -- I'm going to  
16 object as calling for speculation, it's an incomplete  
17 hypothetical.  
18 THE WITNESS: It depends. If there's medical  
19 staff available at the health services.  
20 BY MR. CALABRO:  
21 Q Well, let's name the options. Okay, one, if  
22 there's health -- if there's medical staff available at  
23 the health services, what happens then?  
24 MR. McDONOUGH: Objection. Vague and  
25 ambiguous, calls for speculation, incomplete

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1 A Not that I could think of.  
2 Q For somebody who is on loss of privileges in  
3 Building 5, how would they typically be escorted? Or  
4 let me backtrack.  
5 For somebody who is on loss of privileges in  
6 Building 5, during September of 2003, is there a normal  
7 procedure for how he would get to Facility B Health  
8 Services?  
9 MR. McDONOUGH: I'm going to object as an  
10 incomplete hypothetical, calls for speculation and lacks  
11 foundation.  
12 THE WITNESS: On -- on that particular date of  
13 2003 of August with Mr. Gerry Williams?  
14 BY MR. CALABRO:  
15 Q I'm just asking for the general protocol for  
16 September -- in September 2003, what would be the normal  
17 circumstances?  
18 MR. McDONOUGH: Objection. Mischaracterization  
19 of testimony, incomplete hypothetical and calls for  
20 speculation.  
21 THE WITNESS: We don't have a normal protocol  
22 because there's different circumstances with different  
23 inmates.  
24 BY MR. CALABRO:  
25 Q There's different circumstances for somebody

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1 hypothetical.  
2 THE WITNESS: Can you clarify?  
3 BY MR. CALABRO:  
4 Q Sure. I asked how somebody on loss of  
5 privileges in September would get medical assistance,  
6 you said it depends. I asked you how. You said the  
7 first one was, well, if medical services -- if there's  
8 somebody available at medical services. And I'm asking  
9 you, okay, if there's somebody available at medical  
10 services, how do they get medical care.  
11 MR. McDONOUGH: Objection. Speculative, calls  
12 for speculation, incomplete hypothetical and lacks  
13 foundation.  
14 THE WITNESS: They could walk.  
15 BY MR. CALABRO:  
16 Q Even if they are on loss of privileges, they  
17 could walk by themselves?  
18 A Sure.  
19 Q Could they also be escorted by an officer?  
20 A Yes.  
21 Q Medical staff?  
22 A Yes.  
23 Q Ambulance?  
24 A Yes.  
25 Q Gurney?

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1 A Yes.  
2 Q Wheelchair?  
3 A Yes.  
4 Q Carry them on the shoulder?  
5 A Yes.  
6 Q Any other option?  
7 A Not that I can think of at this time.  
8 Q Okay. So that's if somebody is available at  
9 medical services; right?  
10 A Yes.  
11 Q Those are all the options for getting medical  
12 treatment for somebody on loss of privileges during this  
13 time period, if there's somebody available at medical  
14 services?  
15 A That I could think of, yes.  
16 Q Is there anything else that would refresh your  
17 memory as other available alternatives?  
18 A Not that I can think of.  
19 Q Now let's say that there's not somebody  
20 available at medical services, then what are our options  
21 to get somebody on loss of privileges medical treatment?  
22 MR. McDONOUGH: I'm going to object. Calls for  
23 speculation, incomplete hypothetical and lacks  
24 foundation.  
25 THE WITNESS: Can you repeat the question?

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1 BY MR. CALABRO:  
2 Q Sure. I'm talking about ways that somebody on  
3 loss of privileges can get medical attention. You said  
4 that there are various different scenarios.  
5 A Um-hmm.  
6 Q One of them was if there are people available  
7 at the Facility B Health Services?  
8 A Um-hmm.  
9 Q We just exhausted all the different options if  
10 this is somebody available at Facility B Health  
11 Services.  
12 A Okay.  
13 Q Now we're talking about what the options are if  
14 somebody is not available at Facility B Health Services.  
15 A Okay.  
16 Q Is that clear?  
17 A Yes, that's clear.  
18 Q Okay, what are the options?  
19 MR. McDONOUGH: I'm going to object. I don't  
20 think it's clear. It's also a mischaracterization of  
21 testimony, incomplete hypothetical and calls for  
22 speculation.  
23 THE WITNESS: As we said before, I can -- I can  
24 use my two-way radio to locate medical staff.  
25 BY MR. CALABRO:

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1 Q Okay.  
2 A I can try calling on the telephone to locate  
3 the building that they're in at the time.  
4 Q All right.  
5 A I could also call the emergency room.  
6 Q Anything else?  
7 A I can also hit my -- my alarm to alert that  
8 there is an emergency.  
9 Q And would that notify the medical staff?  
10 A Yes.  
11 Q Anything else?  
12 A Not that I can think of.  
13 Q Is there anything else that you -- any document  
14 that you could consult that would remind you of other  
15 options?  
16 A Not that I have available to me.  
17 Q Okay. Let's talk about these different  
18 options, then. If there's nobody available in medical  
19 services -- now this is again before 10:00 p.m., so they  
20 should still be open; right?  
21 A Yes.  
22 Q If there's nobody available in medical services  
23 in Facility B, is that because -- what are the different  
24 reasons why they couldn't be there, that you know of?  
25 MR. McDONOUGH: Objection. Calls for

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1 speculation.  
2 THE WITNESS: I -- I don't know.  
3 BY MR. CALABRO:  
4 Q Do you ever know of a time when, before 10  
5 o'clock p.m., there's just nobody in that facility  
6 because there's just nobody there, or are they usually  
7 in a different building or attending to a different  
8 patient in a certain cell or out in the yard somewhere?  
9 A Yes, it happens.  
10 Q How often does that happen?  
11 MR. McDONOUGH: Objection. Calls for  
12 speculation.  
13 THE WITNESS: I don't know.  
14 BY MR. CALABRO:  
15 Q Okay, I don't think we have a clear record on  
16 it. So you're saying there are times when, during  
17 regular business hours -- and by business hours, I mean  
18 until 10 o'clock p.m. -- that there would be nobody  
19 staffing the facility, whatsoever?  
20 A The Facility B medical?  
21 Q Right.  
22 A Correct.  
23 Q And will that last the entire day or will that  
24 just be for a particular part of the day?  
25 MR. McDONOUGH: Objection. Calls for

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1 speculation.  
2 THE WITNESS: I don't know.  
3 BY MR. CALABRO:  
4 Q Has there ever been a time when there has been  
5 no staff at Facility B Health Services, that you can  
6 remember, for the entire time that you were on duty that  
7 day?  
8 A No.  
9 Q Every time that you've been on duty, there's  
10 been somebody in Facility B Health Services for at least  
11 part of the time?  
12 A That I'm aware of, yes.  
13 Q That you're aware of. So if somebody is not at  
14 health services at a particular instance, are you pretty  
15 confident that they are somewhere on the facility at the  
16 prison?  
17 MR. McDONOUGH: Objection. Calls for  
18 speculation.  
19 THE WITNESS: I would believe so.  
20 BY MR. CALABRO:  
21 Q You would believe so. You would at least  
22 expect them to be there eventually, back in the  
23 facility?  
24 MR. McDONOUGH: Objection. Calls for  
25 speculation.

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1 BY MR. CALABRO:  
2 Q Why would you call them -- I'm sorry.  
3 Did you get --  
4 MR. McDONOUGH: Incomplete hypothetical, calls  
5 for speculation and ambiguous and vague.  
6 BY MR. CALABRO:  
7 Q Why would you call them?  
8 A For medical -- for medical response.  
9 Q What would you discuss with them?  
10 A Over the radio?  
11 Q Yes.  
12 A I would just -- I wouldn't discuss anything  
13 over the radio, I would just ask them to give me a  
14 number where they're located or call me at the number  
15 I'm located at.  
16 Q So the two-way radio is to find the numbers  
17 that you could talk to them on the phone?  
18 MR. McDONOUGH: Objection. Speculative.  
19 BY MR. CALABRO:  
20 Q I'm just trying to understand what you're  
21 telling me.  
22 A We use the two-way radios to -- to transmit  
23 traffic, to either locate somebody or give them a brief,  
24 you know, description of what you need, what you're  
25 going to do.

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1 THE WITNESS: Yeah, I don't know.  
2 BY MR. CALABRO:  
3 Q You don't -- you don't know?  
4 A If they would -- where they would be or when  
5 they would be back.  
6 Q But you would expect them back?  
7 A Yes.  
8 Q Okay. So when you two-way-radio somebody, how  
9 did that work? Do they have their own radios?  
10 MR. McDONOUGH: Objection. Vague and  
11 ambiguous.  
12 BY MR. CALABRO:  
13 Q Do you understand the question?  
14 A Yeah, but can you specify who?  
15 Q So if we were -- you said that one of the  
16 options available to you to get medical services is to  
17 use your two-way radio to call.  
18 A That's correct.  
19 Q Who would you call?  
20 A I would call the MTAs, the nurse.  
21 Q You would call them directly?  
22 A Yes.  
23 Q And then discuss the situation with them?  
24 MR. McDONOUGH: Objection. Incomplete  
25 hypothetical, vague and ambiguous.

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1 Q So you would talk to them about the situation,  
2 and give them an overview?  
3 A No, I would ask them -- I would ask them to  
4 give me a call or have a number that I could call them  
5 at.  
6 Q So the purpose of using the two-way radio is to  
7 locate the medical personnel?  
8 A Correct.  
9 Q In order to call them?  
10 A Correct.  
11 Q Okay. When you would call them, what would  
12 you -- what would be the purpose of the call?  
13 A It depends.  
14 MR. McDONOUGH: Objection. Speculative.  
15 BY MR. CALABRO:  
16 Q Would you call them to explain the situation,  
17 the medical problem?  
18 A I would.  
19 Q Would you ask them to come see you -- or see  
20 the prisoner? I'm sorry.  
21 MR. McDONOUGH: Objection. Speculative,  
22 incomplete hypothetical.  
23 THE WITNESS: It depends on the situation.  
24 BY MR. CALABRO:  
25 Q I'm trying to understand the procedures that

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1 you go through for these situations.  
 2 A Okay.  
 3 Q So if you could fill in the details, this would  
 4 be less torturous for all of us involved.  
 5 A Okay.  
 6 Q Okay. So you use a two-way way radio to locate  
 7 the MTAs; right?  
 8 A Correct.  
 9 Q You get a phone number from them so you can  
 10 talk to them on the phone?  
 11 A Correct.  
 12 Q What is the conversation on the phone, what do  
 13 you talk about?  
 14 MR. McDONOUGH: It's an incomplete  
 15 hypothetical, speculative. All he can do is make  
 16 something up. He's not referring to any specific facts.  
 17 I think that's the problem.  
 18 THE WITNESS: Can you -- can you clarify what  
 19 kind of inmates having what -- I mean, what inmate is  
 20 having a certain kind of problem or --  
 21 BY MR. CALABRO:  
 22 Q I mean, so are you telling me that it varies,  
 23 it changes? You'd have various conversations with them,  
 24 it just depends?  
 25 A It depends.

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1 Q And then the alarm, what happens when you sound  
 2 an alarm, your alarm that you send?  
 3 A There's an audible alarm transmitted from the  
 4 building, notifying all staff and medical and the whole  
 5 institution that there's some type of emergency in that  
 6 location.  
 7 Q So by sounding the alarm, you would notify the  
 8 entire staff, the entire prison --  
 9 A The entire prison.  
 10 Q -- where there's a medical? Would it be -- is  
 11 this alarm limited to medical emergencies or is it any  
 12 kind of emergency?  
 13 A It's any type of emergency.  
 14 Q If you're going to escort a prisoner to  
 15 Facility B Health Services -- well, let me back up.  
 16 If there's somebody not at a Facility B Health  
 17 Services, would you ever try to get the prisoner to a  
 18 separate yard's health services, like an MTA Yard A or  
 19 Yard C, for example?  
 20 MR. McDONOUGH: Objection. Calls for  
 21 speculation.  
 22 THE WITNESS: Can you clarify? Am I trying to  
 23 get the inmate to the other yard or the --  
 24 BY MR. CALABRO:  
 25 Q Right. So let's say that there's an inmate

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1 Q And what does it depends on?  
 2 A It depends on the inmate's needs.  
 3 Q So you would discuss -- would you always  
 4 discuss the inmate's needs with the MTA on the phone?  
 5 MR. McDONOUGH: Objection. Calls for  
 6 speculation, incomplete hypothetical.  
 7 THE WITNESS: Not always.  
 8 BY MR. CALABRO:  
 9 Q Okay. You also said that you would call the --  
 10 you could call the emergency room?  
 11 A I could call.  
 12 Q And that's at the CTC; is that right?  
 13 A CTC, correct.  
 14 Q What would the emergency room -- what would  
 15 calling the emergency room do?  
 16 MR. McDONOUGH: Objection. Calls for  
 17 speculation.  
 18 THE WITNESS: I -- I don't know. It could -- I  
 19 can get ahold of an ER nurse.  
 20 BY MR. CALABRO:  
 21 Q Okay. Anything else?  
 22 A There could be other possibilities, but that  
 23 would be my main goal.  
 24 Q Would be to call the ER nurse?  
 25 A Yes.

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1 with an urgent problem. Has there ever been a situation  
 2 in which, if there is nobody at Facility B Health  
 3 Services, that you would send the inmates to Facility C  
 4 Health Services or another facility health services  
 5 unit?  
 6 MR. McDONOUGH: Objection. Incomplete  
 7 hypothetical, calls for speculation.  
 8 THE WITNESS: Not under normal circumstances, I  
 9 wouldn't.  
 10 BY MR. CALABRO:  
 11 Q Have you ever done that before?  
 12 A No.  
 13 Q If you wanted to send an inmate to Facility B  
 14 Health Services, and you were going to do that with an  
 15 escort by an officer, would you use an officer -- a yard  
 16 staff officer or a building staff officer or another  
 17 kind of officer?  
 18 MR. McDONOUGH: Objection. Calls for  
 19 speculation.  
 20 THE WITNESS: I would use the yard staff, if  
 21 available.  
 22 BY MR. CALABRO:  
 23 Q Why would you use a yard staff?  
 24 A Because they would be available.  
 25 Q How long, typically, does it take a yard staff

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1 member to respond to a request to trans- -- you know, to  
2 escort a witness?  
3 MR. McDONOUGH: Objection. Calls for  
4 speculation. Of a witness; is that what you said?  
5 MR. CALABRO: Is that what I said?  
6 MR. McDONOUGH: Yeah.  
7 BY MR. CALABRO:  
8 Q An inmate, to escort an inmate?  
9 MR. McDONOUGH: Objection. Speculative, calls  
10 for speculation.  
11 THE WITNESS: It depends, it varies.  
12 BY MR. CALABRO:  
13 Q What do you think -- scratch that.  
14 What's the possible sort of window?  
15 A Scenario?  
16 Q Yeah.  
17 A It could be from five seconds or one second to  
18 ten minutes to an hour.  
19 Q Okay. Once the es- -- once the escort officer  
20 arrives, how long would it take him to escort an inmate  
21 to the facility?  
22 MR. McDONOUGH: Objection. Incomplete  
23 hypothetical, calls for speculation.  
24 THE WITNESS: It depends on the situation.  
25 BY MR. CALABRO:

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1 A It depends on who was pulling the gurney.  
2 Q Are these gurneys premade?  
3 A I believe so.  
4 Q What about the wheelchair, do you -- do you  
5 have those available already at the facility?  
6 A Yes.  
7 Q At the medical facility or in Building 5?  
8 A The medical facility has wheelchairs, but  
9 there's also inmates with wheelchairs in B5 that we  
10 could utilize in case of emergencies.  
11 Q And that's about the same time, one to five  
12 minutes?  
13 MR. McDONOUGH: Objection. Calls for  
14 speculation.  
15 THE WITNESS: It depends on the situation.  
16 BY MR. CALABRO:  
17 Q But one to five minutes?  
18 A It could be one to five minutes.  
19 Q Could it be more than five minutes?  
20 A It could be.  
21 Q How much more?  
22 A I don't know.  
23 MR. McDONOUGH: Objection. Calls for  
24 speculation.  
25 BY MR. CALABRO:

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1 Q Can you give me a range?  
2 A It could take one minute.  
3 Q To?  
4 A To five minutes.  
5 Q One to five minutes, fine.  
6 If you call medical staff and they arrive to  
7 escort the prisoner to the facility, how long would it  
8 take them, generally?  
9 MR. McDONOUGH: Objection. Calls for  
10 speculation. It's an incomplete hypothetical.  
11 THE WITNESS: Can you repeat that?  
12 BY MR. CALABRO:  
13 Q Sure. So if you have an officer escort the  
14 inmate from the prison -- I mean, from Building B to the  
15 health services, that could last one to five minutes?  
16 A Um-hmm.  
17 Q What about if a medical staff were to escort  
18 the inmate to the medical services facility, how long  
19 would that take?  
20 MR. McDONOUGH: Objection. Objection.  
21 Incomplete hypothetical, calls for speculation.  
22 THE WITNESS: It could take the same amount of  
23 time, one to five minutes.  
24 BY MR. CALABRO:  
25 Q What about a gurney?

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1 Q All right. Has there been a situation in the  
2 past in which you called on your two-way radio for MTA  
3 assistance because there was nobody staffing Facility B  
4 Health Services?  
5 A Yes.  
6 Q Has that happened often?  
7 A Not often.  
8 Q How many times has it happened?  
9 A I can recall maybe one or two times.  
10 Q How long did it take MTA services to respond to  
11 your two-way call?  
12 MR. McDONOUGH: Objection. Ambiguous.  
13 THE WITNESS: I didn't need them to respond,  
14 that I could recall. Can you -- can you rephrase the  
15 question?  
16 BY MR. CALABRO:  
17 Q Sure. So you called you -- I'm sorry, maybe --  
18 maybe that -- maybe that was my mistake.  
19 A Okay.  
20 Q You contacted MTA on the two-way radio in two  
21 situations, is that right, that you can remember?  
22 MR. McDONOUGH: Objection. Mischaracterization  
23 of his testimony.  
24 THE WITNESS: As far as back on that date or  
25 2003?

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1 BY MR. CALABRO:  
2 Q I asked you -- I asked you if there has ever  
3 been a time in which nobody's been staffing Facility  
4 B -- nobody was at Facility B Health Services, and so  
5 you had to call the MTAs. You said that happened twice.  
6 A It's happened a few times.  
7 Q Is it a few times or twice?  
8 A Once or twice.  
9 Q Okay. I want you to try to remember those one  
10 or two times.  
11 A Okay.  
12 Q Let's take the first time. Do you remember  
13 when that was?  
14 A I don't recall the date.  
15 Q Do you remember the instance?  
16 A No, I don't recall.  
17 Q Do you remember calling the MTAs on your  
18 two-way radio?  
19 A Yes.  
20 Q Do you remember getting ahold of them?  
21 A Yes.  
22 Q Was this easy to do?  
23 A Yes.  
24 Q Did you get a phone number for them?  
25 A Yes.

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1 Q Did you call them?  
2 A Yes.  
3 Q How long did it -- did they pick up  
4 immediately?  
5 A Yes.  
6 Q What did you tell them when you called them?  
7 A I don't recall the circumstance of why I called  
8 them for.  
9 Q Do you remember if they responded to the call  
10 by sending somebody to the facility, to Building B?  
11 A I don't recall needing them to respond. I just  
12 needed maybe an answer or something.  
13 Q And the second time, do you remember the second  
14 time very well?  
15 A Not very well, but I can recall a time.  
16 Q Do you remember if you needed them to respond  
17 to a health problem -- or a medical problem in this  
18 instance?  
19 A No.  
20 Q You don't remember or they didn't need to  
21 respond?  
22 A They didn't need to respond.  
23 Q Has there ever been a situation in which you  
24 needed -- either you or someone needed, that you're  
25 working with at the time, had called an MTA to respond

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1 to a medical situation and they did?  
2 A Can you --  
3 MR. McDONOUGH: Objection. Ambiguous.  
4 BY MR. CALABRO:  
5 Q Sure. What's ambiguous for you?  
6 A Well, can you clarify how I called them? Did  
7 they -- and what kind of response I needed?  
8 BY MR. CALABRO:  
9 Q I'm asking you if it's ever happened.  
10 A Can you clarify your question, please, for me?  
11 Q Has it ever happened that you called an MTA to  
12 respond to a medical assistance?  
13 A Yes.  
14 Q Has it ever happened that you called an MTA  
15 because somebody was not available at Facility B Medical  
16 Services?  
17 A Yes.  
18 Q Now, of those times -- has there ever been a  
19 time that medical personnel actually responded to the  
20 call, that you actually needed them to respond to the  
21 call?  
22 A No, not that I recall.  
23 Q Okay. Or anybody that you were working with at  
24 the time?  
25 A Not that I know of.

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1 Q Okay. Is there a procedure to be followed when  
2 a prisoner asks for medical attention?  
3 MR. McDONOUGH: Objection. Speculative, calls  
4 for speculation.  
5 THE WITNESS: Not that I know of.  
6 BY MR. CALABRO:  
7 Q Not that you know of. Is there any policy to  
8 be determined -- or to be followed if a med- -- if a  
9 prisoner asks for medical attention?  
10 MR. McDONOUGH: Objection. Calls for  
11 speculation.  
12 THE WITNESS: Yeah, not that I'm aware of.  
13 BY MR. CALABRO:  
14 Q I mean, you work there; right?  
15 A Yes, I do.  
16 Q There are policies that you're supposed to  
17 follow?  
18 A Yes.  
19 Q There's various procedures that you're supposed  
20 to follow?  
21 A Yes.  
22 Q Do any of them talk about what you're supposed  
23 to do when a prisoner asks for medical assistance?  
24 A I'm sure they do.  
25 Q Do you know what those policies are?

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1 A I'm not aware of exactly what they say.  
2 Q Have you ever read those policies?  
3 A I could have.  
4 Q You don't remember reading them?  
5 A No.  
6 Q And you don't know what those say, those  
7 policies say?  
8 A No.  
9 Q What about those procedures, do you -- have you  
10 ever been informed of what those procedures are?  
11 MR. McDONOUGH: Objection. Assumes facts not  
12 in evidence and calls for speculation.  
13 THE WITNESS: I'm not sure what procedures,  
14 exactly, you're talking about.  
15 BY MR. CALABRO:  
16 Q I'm sorry, I thought I asked -- okay, are there  
17 procedures at Salinas Valley State Prison for -- let me  
18 start again.  
19 We already asked you if there were procedures  
20 at Salinas Valley State Prison and you said yes.  
21 A Um-hmm.  
22 Q I asked you if there were any procedures that  
23 have to do with what you're supposed -- the protocol for  
24 when a prisoner asked for medical assistance, and you  
25 said yes. I'm asking you if you've ever read those

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1 procedures.  
2 MR. McDONOUGH: I'm just going to object.  
3 Mischaracterization of the testimony.  
4 MR. CALABRO: Is there any way we could read  
5 back those -- that exchange.  
6 (Record read.)  
7 BY MR. CALABRO:  
8 Q I'm sorry, I misheard. So there's no procedure  
9 that you know of to follow if there's a -- if a prisoner  
10 asks for medical attention?  
11 A Not that I know of.  
12 Q And you haven't read the policy if there is?  
13 A No, not that I'm aware of.  
14 Q What is your normal practice for when a  
15 prisoner asks you for medical assistance?  
16 MR. McDONOUGH: Objection. Overbroad, calls  
17 for speculation, incomplete hypothetical.  
18 THE WITNESS: It depends on what the -- it  
19 depends on the situation.  
20 BY MR. CALABRO:  
21 Q What are those various options?  
22 MR. McDONOUGH: Objection. Overbroad.  
23 THE WITNESS: The options of why we call  
24 medical?  
25 BY MR. CALABRO:

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1 Q What are the different alternatives? I asked  
2 you what the procedure is, or what your practice is.  
3 A Okay.  
4 Q You said it depends. So that would mean  
5 there's various options available to you; is that right?  
6 A That's correct.  
7 Q What are your options?  
8 MR. McDONOUGH: Objection. Calls for  
9 speculation, incomplete hypothetical.  
10 THE WITNESS: You have to clarify. You want to  
11 know what I would do or what kind of situations there  
12 are that I would do it?  
13 BY MR. CALABRO:  
14 Q What you would do. What are the various --  
15 what are the various responses you would have to an  
16 inmate who says "I have" -- "I need medical assistance"?  
17 A One response could be, "Is it a medical  
18 emergency?"  
19 Q Okay. Anything else?  
20 A Another response would be, "Do you" -- "Can you  
21 go to the MTAs?"  
22 Q Anything else?  
23 A "Do you need the MTAs to respond to you?"  
24 Q Anything else?  
25 A Not that I could think of.

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1 Q Let's pretend -- well, let's not pretend. If  
2 it's an emergency, what practice do you follow if you  
3 decide it's an emergency situation?  
4 MR. McDONOUGH: Object. Go ahead. Objection.  
5 Speculative, calls for -- it's an incomplete  
6 hypothetical.  
7 THE WITNESS: Depending on the emergency, but  
8 if it was an emergency, I would use my alarm.  
9 BY MR. CALABRO:  
10 Q What would qualify as an emergency? What kinds  
11 of things?  
12 A An inmate that was unconscious, inmate with  
13 severe trauma to the head, someone with slice marks on  
14 their arteries, to their self -- self-mutilation, inmate  
15 hanging, inmate having -- that was blue in the face.  
16 Q Heart attack?  
17 A Could be a heart attack.  
18 Q Is there any other classification you have?  
19 You have an emergency. Is there something below an  
20 emergency that's not quite? I mean, do you just divide  
21 things in emergencies and nonemergencies?  
22 A That's -- yeah.  
23 Q So if you decide it's an emergency, what would  
24 you do?  
25 A I would --

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1 MR. McDONOUGH: Objection. Speculative, calls  
2 for -- incomplete hypothetical.  
3 BY MR. CALABRO:  
4 Q You said the alarm; right?  
5 A Yeah, if I -- if there's an emergency, I could  
6 hit my alarm.  
7 Q If it's less than an emergency, what would you  
8 do? What's your practice?  
9 MR. McDONOUGH: Calls for speculation,  
10 incomplete hypothetical.  
11 THE WITNESS: It depends on the situation.  
12 BY MR. CALABRO:  
13 Q Well, what are your different options?  
14 A Inmate could have a spider bite, could have a  
15 torn -- torn nail.  
16 Q And what are the ways that you would respond to  
17 these, these options I'm asking for?  
18 A I can call the MTAs on the phone, I could call  
19 the MTAs on my two-way radio, I could offer the inmate a  
20 request for interview for a medical treatment.  
21 Q If an inmate comes to you and says, "I have an  
22 emergency, I need to see an MTA immediately," will  
23 you -- will you sound the alarm?  
24 MR. McDONOUGH: Objection. Calls for  
25 speculation, incomplete hypothetical.

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1 A Yeah.  
2 Q Would you offer all of these options to the  
3 inmate or do you decide which one of these options  
4 you're going to do?  
5 MR. McDONOUGH: Objection. Calls for  
6 speculation, incomplete hypothetical.  
7 THE WITNESS: I wouldn't -- I don't know what I  
8 would offer.  
9 BY MR. CALABRO:  
10 Q So in the past, when an inmate has come to you  
11 with a nonemergency, do you tell him, "These are your  
12 options, which one do you want?" Or do you say, "I will  
13 call an MTA," or "I will call" -- "I will radio the  
14 MTA"?  
15 MR. McDONOUGH: Objection. Vague and  
16 ambiguous.  
17 THE WITNESS: Yeah, it depends on the  
18 circumstances, why -- what he came up to me for.  
19 BY MR. CALABRO:  
20 Q What about with chest pains? If somebody came  
21 up to you complaining of chest pains, what's your  
22 practice?  
23 MR. McDONOUGH: Objection. Calls for  
24 speculation, incomplete hypothetical.  
25 THE WITNESS: Depends.

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1 THE WITNESS: I -- I could.  
2 BY MR. CALABRO:  
3 Q Or do you always decide for yourself whether  
4 you think it's also an emergency?  
5 MR. McDONOUGH: Objection. Calls for  
6 speculation, incomplete hypothetical.  
7 THE WITNESS: No, I don't always decide.  
8 BY MR. CALABRO:  
9 Q Has there ever been a case in which an inmate  
10 said, "I" -- "It's an emergency," but you didn't think  
11 it was an emergency, but you still sounded the alarm?  
12 MR. McDONOUGH: Objection. Calls for  
13 speculation, incomplete hypothetical.  
14 THE WITNESS: Not that I can recall.  
15 BY MR. CALABRO:  
16 Q So every time you've sounded the alarm, you've  
17 thought it was an emergency?  
18 A Yes.  
19 Q When would you -- you said that there are  
20 various options, also, if it's not an emergency, if it's  
21 not one of the categories that we described above.  
22 A Okay.  
23 Q You said that you could offer to call the MTA  
24 on your phone or the MTA by your radio and request an  
25 interview for medical personnel; is that right?

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1 BY MR. CALABRO:  
2 Q What does it depend on?  
3 A What the inmate -- inmate looked like at the  
4 time.  
5 Q So you exercise your own judgment?  
6 A Sometimes I do, yes.  
7 Q Sometimes you do or always you do?  
8 A Sometimes I do.  
9 Q Can you give me an example of a time that you  
10 have not exercised your own judgment?  
11 A No.  
12 Q So every time that you remember, you've always  
13 decided for yourself the severity of the problem?  
14 MR. McDONOUGH: Objection. Vague and  
15 ambiguous.  
16 THE WITNESS: I don't decide the severity of  
17 the problem, no.  
18 BY MR. CALABRO:  
19 Q What do you decide?  
20 A Whether I should -- what actions I should take.  
21 Q So it's always your decision, though; right?  
22 A What actions I take, yes.  
23 MR. McDONOUGH: I could use a restroom stop  
24 whenever it's good.  
25 MR. CALABRO: We can probably do it now.

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1 (Recess 12:04 p.m. - 12:13 p.m.)  
2 BY MR. CALABRO:  
3 Q From the testimony you've given so far today,  
4 with respect to medical assistance at Salinas Valley  
5 State Prison, is it fair to say that when confronted  
6 with the request for medical assistance by a prisoner,  
7 you exercise your independent judgment in assessing the  
8 med- -- the prisoner's medical needs and then responding  
9 as you see fit?  
10 MR. McDONOUGH: I'm going to object as  
11 ambiguous and misleading and calls for speculation.  
12 THE WITNESS: It could, it could.  
13 BY MR. CALABRO:  
14 Q Can you -- why would -- why is the answer not  
15 yes?  
16 MR. McDONOUGH: Objection. Ambiguous and  
17 misleading question.  
18 THE WITNESS: It could, I don't know why it's  
19 not yes.  
20 BY MR. CALABRO:  
21 Q I mean -- let's break it down. If a prisoner  
22 comes to you with for medical assistance, you exercise  
23 your judgment as to whether he has an emergency or not;  
24 correct?  
25 A I use my best judgment, yes.

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1 THE WITNESS: Departed from what?  
2 BY MR. CALABRO:  
3 Q From that procedure that I just explained.  
4 MR. McDONOUGH: Do you remember the procedure?  
5 THE WITNESS: No, I don't.  
6 BY MR. CALABRO:  
7 Q Let's break it down again. In the past, have  
8 prisoners come to you for medical assistance?  
9 A Yes.  
10 Q In the past, have you always exercised your  
11 judgment in assessing their condition?  
12 A Yes.  
13 Q In the past, based on that assessment, have you  
14 always decided what is the proper approach?  
15 MR. McDONOUGH: Objection. Overbroad.  
16 THE WITNESS: I could.  
17 BY MR. CALABRO:  
18 Q In the past, what's an example where that did  
19 not happen?  
20 A I can't think of any.  
21 Q As far as you know, in the past, when a  
22 medical -- when an -- excuse me, as far as you know, in  
23 the past when a prisoner has come to you seeking medical  
24 attention, you have always exercised your own judgment  
25 to assess his condition and then, based on that

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1 Q Based on that judgment then, you decide what  
2 action to take; isn't that right?  
3 A Yes.  
4 Q So when a prisoner approaches you with a  
5 medical request, you decide -- let me scratch that.  
6 When a prisoner approaches you with a medical  
7 request, you assess for yourself the prisoner's  
8 condition, and then you decide what action to take;  
9 isn't that true?  
10 MR. McDONOUGH: Objection. Calls for  
11 speculation.  
12 THE WITNESS: It could be true.  
13 BY MR. CALABRO:  
14 Q When is an example of it not being true?  
15 MR. McDONOUGH: Objection. Calls for  
16 speculation, ambiguous and vague.  
17 THE WITNESS: I don't know.  
18 BY MR. CALABRO:  
19 Q When has it ever not -- when has it -- has it  
20 ever been not true in the past? That's a bad question,  
21 I'm sorry.  
22 MR. McDONOUGH: Objection. Ambiguous.  
23 BY MR. CALABRO:  
24 Q In the past, have you ever departed from that?  
25 MR. McDONOUGH: Ambiguous and vague.

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1 assessment, you have decided which procedure to  
2 follow -- not, I'm sorry let me start again.  
3 In the past, whenever a prisoner has come to  
4 you for medical assistance, you have always exercised  
5 your judgment in assessing the condition and then, based  
6 on your own assessment, you have decided what kind of  
7 medical attention you were going to seek for him?  
8 MR. McDONOUGH: I'm going to object. That's a  
9 compound question, vague and ambiguous and calls for  
10 speculation.  
11 THE WITNESS: That -- that could happen, yes.  
12 BY MR. CALABRO:  
13 Q I'm sorry, maybe you didn't understand the  
14 question. I'm talking about the past, I'm not talking  
15 about what could happen, I'm not asking you to  
16 speculate.  
17 A Okay.  
18 Q I'm talking about in the past. In the past,  
19 you've already said -- in the past, when prisoners have  
20 come to you -- let's start again to be really clear.  
21 In the past, every time a prisoner has come to  
22 you seeking medical attention, you have exercised your  
23 own judgment to assess that prisoner's condition, and  
24 then, based on that assessment, you have decided which  
25 alternative to explore -- well, that's a bad question

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1 too.  
2 In the past -- in the past, every time a  
3 prisoner has come to you seeking medical assistance,  
4 you've exercised your own independent judgment to assess  
5 his condition and then, based on your assessment of the  
6 inmate's condition, you have decided whether to call for  
7 medical assistance and what kind of assistance --  
8 medical assistance you would -- you would seek.  
9 MR. McDONOUGH: I'm going to object as vague  
10 and ambiguous.  
11 THE WITNESS: Yes.  
12 BY MR. CALABRO:  
13 Q And that's happened in every case that you  
14 remember --  
15 MR. McDONOUGH: Objection.  
16 BY MR. CALABRO:  
17 Q -- for you personally?  
18 MR. McDONOUGH: Objection. Vague and  
19 ambiguous.  
20 THE WITNESS: In most cases, yes.  
21 BY MR. CALABRO:  
22 Q Name one case in which it did not happen.  
23 A I can't name one.  
24 Q So as far as you remember, it's happened in  
25 every case that you have been involved with?

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1 MR. McDONOUGH: Objection. Vague and  
2 ambiguous.  
3 THE WITNESS: Yes.  
4 BY MR. CALABRO:  
5 Q I know you mentioned earlier that you haven't  
6 read the policy with regard to some medical procedures  
7 and medical assistance for prisoners before. Do you  
8 have any understanding of what that policy is?  
9 MR. McDONOUGH: Objection. I think it's a  
10 mischaracterization of the evidence and vague and  
11 ambiguous.  
12 THE WITNESS: I don't recall if I've read the  
13 policy. I could have. I just don't recall exactly what  
14 the policy says.  
15 BY MR. CALABRO:  
16 Q Do you have any understanding of what that  
17 policy is?  
18 A Can you be more clear on what part of the  
19 policy?  
20 Q Do you have any understanding of any part of  
21 the policy?  
22 MR. McDONOUGH: Objection. Ambiguous as to  
23 "the policy."  
24 THE WITNESS: Yeah, I'm not clear on what  
25 policy you're -- you're referring to.

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1 BY MR. CALABRO:  
2 Q There's a policy -- you said earlier that  
3 there's a policy at Salinas Valley State Prison for how  
4 to deal with situations in which a prisoner asks for  
5 medical assistance; isn't that right?  
6 MR. McDONOUGH: Objection. Mischaracterization  
7 of the testimony.  
8 THE WITNESS: I don't -- I -- I don't recall.  
9 BY MR. CALABRO:  
10 Q Well, let's start again, then.  
11 A Okay.  
12 Q Is there a policy at Salinas Valley State  
13 Prison in place outlining how to respond when prisoners  
14 ask for medical assistance?  
15 A Not that I'm aware of.  
16 Q You're not aware of a policy like that?  
17 A No.  
18 Q Are you aware of any policy at Salinas Valley  
19 State Prison outlining how guards are to respond when  
20 there's a medical emergency?  
21 A Yes.  
22 MR. McDONOUGH: Objection. Vague and  
23 ambiguous.  
24 BY MR. CALABRO:  
25 Q What is your understanding of that policy?

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1 A That there's a person that needs medical  
2 attention that could be life-threatening, we give  
3 them -- we request medical emergency.  
4 Q I'm sorry, you do what?  
5 A We can request for a medical emergency by  
6 activating our alarm. If there's an inmate that's  
7 requesting medical attention, that we provide them with  
8 prompt medical attention.  
9 Q And that's the policy of Salinas Valley State  
10 Prison that you're aware of?  
11 A That's what I'm aware of.  
12 Q Have you read that somewhere?  
13 A Not that I can recall.  
14 Q This is your understanding of the policy?  
15 A Yes.  
16 Q What is your understanding of what prompt  
17 means?  
18 MR. McDONOUGH: Objection. Ambiguous and  
19 vague.  
20 BY MR. CALABRO:  
21 Q In the sense that you said that you're supposed  
22 to -- when an inmate requests for medical assistance,  
23 he's supposed to receive prompt medical attention. What  
24 is -- what is -- what is your definition of prompt --  
25 what is your understanding of prompt in that policy?

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1 MR. McDONOUGH: Objection. Vague and  
2 ambiguous.  
3 THE WITNESS: My understanding is to be quick.  
4 BY MR. CALABRO:  
5 Q What kind of time frame are we talking about?  
6 MR. McDONOUGH: Objection. Vague and  
7 ambiguous, calls for speculation.  
8 THE WITNESS: Time frame on quick or --  
9 BY MR. CALABRO:  
10 Q How quickly should -- what time frame -- in  
11 what time frame should you respond to an inmate's  
12 request for medical assistance, according to your  
13 understanding of the policy?  
14 MR. McDONOUGH: Objection. Calls for  
15 speculation, vague and misleading, overbroad.  
16 THE WITNESS: It would depend on the  
17 circumstances.  
18 BY MR. CALABRO:  
19 Q What circumstances?  
20 A The inmate's needs.  
21 Q If it was life-threatening?  
22 A If it was life-threatening, I would -- as quick  
23 as possible, within -- within minutes.  
24 Q Within minutes. So if you waited more than  
25 five minutes, that would be a violation of the policy?

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1 the policy?  
2 MR. McDONOUGH: I'm going to object as an  
3 incomplete hypothetical, it calls for speculation, lacks  
4 foundation.  
5 THE WITNESS: That's what I would believe, my  
6 belief.  
7 BY MR. CALABRO:  
8 Q If an inmate was suffering severe pain, what  
9 would prompt medical attention mean in that situation?  
10 MR. McDONOUGH: Objection. Incomplete  
11 hypothetical, calls for speculation, lacks foundation.  
12 THE WITNESS: It depends on the circumstances.  
13 BY MR. CALABRO:  
14 Q What circumstances would change?  
15 A Well, it depends on the severity of the  
16 inmate's pain.  
17 Q If they're -- if they're -- if they  
18 characterize it as -- if they characterize their pain as  
19 severe pain --  
20 MR. McDONOUGH: Is there a question?  
21 BY MR. CALABRO:  
22 Q -- do you think you have --  
23 I'm not finished.  
24 MR. McDONOUGH: Sorry, go ahead.  
25 BY MR. CALABRO:

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1 MR. McDONOUGH: Objection. Calls for a legal  
2 opinion, calls for speculation, incomplete hypothetical.  
3 THE WITNESS: I don't know.  
4 BY MR. CALABRO:  
5 Q What's your understanding? If you wait five  
6 minutes before responding to somebody who has a  
7 life-threatening medical condition, would that be a  
8 violation of the policy, as you understand it?  
9 A My under-  
10 MR. McDONOUGH: Objection. Calls for  
11 speculation, incomplete hypothetical, lacks foundation.  
12 THE WITNESS: That would be my understanding of  
13 the policy.  
14 BY MR. CALABRO:  
15 Q That you would have violated the policy if you  
16 waited five minutes?  
17 MR. McDONOUGH: Objection. Incomplete  
18 hypothetical, vague, calls for speculation, lacks  
19 foundation.  
20 THE WITNESS: Based on life-threatening medical  
21 emergency, I feel it should be as quick as possible.  
22 BY MR. CALABRO:  
23 Q And so if you wait five minutes when a prisoner  
24 is suffering from a life-threatening medical condition  
25 your understanding is that that would be a violation of

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1 Q Do you think -- if an inmate characterizes pain  
2 as severe pain, such that the longer you delay, the more  
3 pain he'll be in, what is your definition of prompt  
4 medical attention in that case?  
5 MR. McDONOUGH: I'm going to object as  
6 incomplete hypothetical, vague, calls for speculation,  
7 lacks foundation.  
8 THE WITNESS: I don't know.  
9 BY MR. CALABRO:  
10 Q Five minutes?  
11 MR. McDONOUGH: Objection. Calls for  
12 speculation, incomplete hypothetical, lacks foundation.  
13 THE WITNESS: I don't know.  
14 BY MR. CALABRO:  
15 Q You don't know?  
16 A No, I don't know.  
17 Q You don't know about your understanding of the  
18 policy?  
19 MR. McDONOUGH: Objection. Ambiguous and vague  
20 question.  
21 THE WITNESS: I --  
22 BY MR. CALABRO:  
23 Q Let me ask the question again. According to  
24 your understanding of the policy, the prisoner tells you  
25 he is in severe pain.

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1 A Okay.  
2 Q How much time do you have to respond to that  
3 request for medical assistance before you understand  
4 that you have violated the policy?  
5 MR. McDONOUGH: Objection. Incomplete  
6 hypothetical, calls for speculation, lacks foundation.  
7 THE WITNESS: My understanding is prompt.  
8 Prompt medical assistance should be notified.  
9 BY MR. CALABRO:  
10 Q Immediately?  
11 A Yes.  
12 Q So if you wait any amount of time, then you've  
13 violated the policy?  
14 MR. McDONOUGH: I'm going to object as  
15 incomplete hypothetical, calls for speculation, lacks  
16 foundation.  
17 THE WITNESS: That's not my understanding.  
18 BY MR. CALABRO:  
19 Q I'm -- I'm trying to understand what you  
20 understand the policy to mean.  
21 A That prompt medical assistance should be  
22 provided, that's my understanding.  
23 Q And your understanding of prompt is  
24 immediately?  
25 A No, I said quickly.

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1 A No, that's not my understanding. My  
2 understanding would be quick, prompt medical attention.  
3 Q And we can agree that that quick would be less  
4 than five minutes that you should respond?  
5 MR. McDONOUGH: Objection. Incomplete  
6 hypothetical, calls for speculation.  
7 THE WITNESS: It could be.  
8 BY MR. CALABRO:  
9 Q Give me an example. So you're saying that it  
10 could also not be. Is that what you're saying your  
11 understanding of the policy is?  
12 A It could --  
13 MR. McDONOUGH: Objection. Calls for  
14 speculation.  
15 BY MR. CALABRO:  
16 Q Can you give me an example of --  
17 MR. McDONOUGH: Let me finish my objection.  
18 Incomplete hypothetical, calls for speculation.  
19 MR. CALABRO: Are you finished with your  
20 question (sic)?  
21 MR. McDONOUGH: Yes.  
22 BY MR. CALABRO:  
23 Q Can you give me an example of the time,  
24 according to your understanding of the policy, in which  
25 a guard can allow a prisoner to experience severe pain

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1 Q Well, I'm -- okay, I'm trying to ask for the  
2 confines of that, the border of that. So my question is  
3 if somebody has severe pain, how many minutes does  
4 prompt mean?  
5 MR. McDONOUGH: Objection. Vague and  
6 ambiguous, calls for speculation, incomplete  
7 hypothetical and lacks foundation.  
8 THE WITNESS: It could be one minute, it could  
9 be five minutes.  
10 BY MR. CALABRO:  
11 Q Could it be more than five minutes?  
12 MR. McDONOUGH: Objection. Lacks foundation,  
13 incomplete hypothetical, calls -- calls for speculation.  
14 THE WITNESS: It could be.  
15 BY MR. CALABRO:  
16 Q So your understanding of the policy is if  
17 somebody is in severe pain, the policy would allow you  
18 to let that prisoner -- that prisoner be in pain for  
19 over five minutes and still not violate the policy?  
20 MR. McDONOUGH: Objection. Argumentative,  
21 mischaracterizes the testimony, it's an incomplete  
22 hypothetical, and it lacks foundation, calls for  
23 speculation.  
24 BY MR. CALABRO:  
25 Q That's your understanding of the policy?

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1 for longer than five minutes?  
2 A There could be --  
3 MR. McDONOUGH: Objection. Incomplete  
4 hypothetical, calls for speculation.  
5 THE WITNESS: There could be 50 -- 50-man riot  
6 with 30 men stabbed on a yard and only two medical  
7 assistants available to treat all of them, so it may  
8 take a few minutes for them to all be treated.  
9 BY MR. CALABRO:  
10 Q Okay. If there is no reason -- if there's no  
11 other life-threatening situation happening at the time,  
12 is there anytime that a prisoner can be denied medical  
13 assistance for longer than five minutes if he's in  
14 severe pain, within the policy guidelines, as you  
15 understand it?  
16 MR. McDONOUGH: Objection. Incomplete  
17 hypothetical, calls for speculation.  
18 THE WITNESS: There shouldn't be.  
19 BY MR. CALABRO:  
20 Q So if somebody, a guard, were to allow a  
21 prisoner to experience severe pain longer than five  
22 minutes, according to your understanding of the policy,  
23 if there's no other life-threatening situation happening  
24 at the time, that guard is violating the policy?  
25 MR. McDONOUGH: I'm going to object as an

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1 incomplete hypothetical, it's argumentative, and it  
 2 lacks foundation, calls for speculation.  
 3 THE WITNESS: I -- I don't know.  
 4 BY MR. CALABRO:  
 5 Q I'm asking your understanding of the policy.  
 6 A My understanding of the policy, I don't know.  
 7 Q You don't have an understanding of the policy?  
 8 A No, but my understanding of the policy is we  
 9 provide them prompt medical -- medical response.  
 10 Q And would your understanding of the policy, and  
 11 your understanding of the word "prompt" within that  
 12 policy, allow a prisoner to -- or allow a guard to allow  
 13 a prisoner to experience five minutes of severe pain if  
 14 there's no other life-threatening situation occurring?  
 15 MR. McDONOUGH: Objection. Calls for  
 16 speculation, incomplete hypothetical, lacks foundation.  
 17 THE WITNESS: I can't speak for other guards.  
 18 BY MR. CALABRO:  
 19 Q No, I'm asking your understanding of the  
 20 policy.  
 21 A My understanding of the policy is for us to  
 22 provide the inmate with a prompt medical response.  
 23 Q I'm trying to understand your understanding of  
 24 prompt.  
 25 A Quickly.

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1 Q You explained your understanding of the policy  
 2 was within minutes; right?  
 3 A Um-hmm.  
 4 Q And so if you don't act within minutes, then  
 5 that's a violation of the policy?  
 6 MR. McDONOUGH: Objection. That's a  
 7 mischaracterization of the testimony, it's  
 8 argumentative, and this question has been asked and  
 9 answered.  
 10 THE WITNESS: Can you repeat the question?  
 11 BY MR. CALABRO:  
 12 Q Sure. You said that prompt to you means within  
 13 minutes. And my question was simply: The logical  
 14 implication of that, then, is if you wait longer than  
 15 minutes, so if you don't act within five minutes, then  
 16 that's a violation of the policy?  
 17 MR. McDONOUGH: Objection. It's an incomplete  
 18 hypothetical and logically it calls for speculation.  
 19 THE WITNESS: Can I clarify my -- I don't know  
 20 exactly what the policy says, but if an inmate needed  
 21 prompt medical assistance, that's what I would do in  
 22 that situation, is do it as quickly as possible.  
 23 BY MR. CALABRO:  
 24 Q And if you don't do it as quickly as possible,  
 25 would that be a violation of the policy?

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1 Q Quickly. And I'm asking you --  
 2 A Within minutes.  
 3 Q Within minutes?  
 4 A Yes.  
 5 Q So if somebody -- if a guard -- if you allow a  
 6 prisoner to experience severe chest pains longer than  
 7 five minutes and there's no other life-threatening  
 8 situation happening, it's your understanding of the  
 9 policy that you would have violated the policy?  
 10 MR. McDONOUGH: Objection. Incomplete  
 11 hypothetical, calls for speculation, and it's  
 12 augmentative and lacks foundation.  
 13 THE WITNESS: If it was me, yes, I would try to  
 14 get them quick medical attention -- medical -- medical  
 15 assistance as soon as possible.  
 16 BY MR. CALABRO:  
 17 Q And if you waited longer than five minutes,  
 18 that would be a violation of the policy?  
 19 MR. McDONOUGH: Objection. Calls --  
 20 argumentative, calls for speculation, lacks foundation.  
 21 THE WITNESS: I don't -- I don't -- I don't  
 22 know, because I don't know what the policy exactly says.  
 23 BY MR. CALABRO:  
 24 Q I'm asking your understanding of the policy.  
 25 A I already explained my understanding.

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1 A I don't know.  
 2 Q Would it be -- your understanding of the  
 3 policy, would it be a violation of your understanding of  
 4 the policy?  
 5 MR. McDONOUGH: Objection.  
 6 THE WITNESS: I don't know.  
 7 MR. McDONOUGH: Asked and answered.  
 8 BY MR. CALABRO:  
 9 Q You don't know your understanding of the  
 10 policy?  
 11 A I know my understanding, but I don't know  
 12 exactly what the policy says; therefore, I wouldn't know  
 13 if I violated it or not.  
 14 Q But you have your own understanding of the  
 15 policy; right?  
 16 A Yeah.  
 17 Q And that understanding is within minutes, isn't  
 18 that right, that you have to respond within minutes?  
 19 MR. McDONOUGH: Objection. Incomplete  
 20 hypothetical. Incomplete hypothetical, calls for  
 21 speculation.  
 22 BY MR. CALABRO:  
 23 Q Your understanding of the policy is that a  
 24 guard has to respond within minutes to an inmate's  
 25 request for medical assistance?

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1 A For severe chest pains?  
2 Q For severe chest pains.  
3 MR. McDONOUGH: Now it's a different question.  
4 THE WITNESS: Yeah.  
5 MR. McDONOUGH: We're now on a different  
6 question.  
7 MR. CALABRO: He's been talking about severe  
8 chest pains the entire time.  
9 MR. McDONOUGH: No, he hasn't. We haven't  
10 been. We've been talking about medical --  
11 MR. CALABRO: Fine.  
12 MR. McDONOUGH: That's why some of your  
13 questions are so vague and ambiguous, is we're losing  
14 the train of thought. These are incomplete  
15 hypotheticals, they're general situations, they're  
16 vague. He's answered that he doesn't know if it's a  
17 violation. That's his answer. He doesn't know if he's  
18 violated, his understanding. He even said he doesn't  
19 really even know what this policy you're talking about  
20 is.  
21 MR. CALABRO: But he says he has his own  
22 understanding of the policy.  
23 MR. McDONOUGH: He says his understanding is --  
24 MR. CALABRO: Is within minutes.  
25 MR. McDONOUGH: He says it's -- it's prompt

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1 medical attention and he says that --  
2 MR. CALABRO: Within minutes.  
3 MR. McDONOUGH: -- he tries to get them -- we  
4 have the testimony down, so --  
5 MR. CALABRO: We do. If you don't think we've  
6 been talking about chest pains, we'll talk about severe  
7 chest pains.  
8 MR. McDONOUGH: Okay. You need to be more  
9 clear, that's exactly what we're trying to get.  
10 BY MR. CALABRO:  
11 Q If the inmate is suffering from severe chest  
12 pains, tells you this, and asks for medical assistance,  
13 is it a violation of the policy if you wait longer than  
14 five minutes to respond to that request?  
15 MR. McDONOUGH: I am going to object because it  
16 is an incomplete hypothetical and calls for speculation.  
17 THE WITNESS: I don't know.  
18 MR. McDONOUGH: That's his answer, he doesn't  
19 know. That's a legitimate answer.  
20 BY MR. CALABRO:  
21 Q But we can at least agree that it's your  
22 understanding that a guard is supposed to respond within  
23 minutes to a request for medical assistance?  
24 A Yes.  
25 Q Changing topics. Are there -- are there

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1 records kept of when inmates leave their cells?  
2 A Not that I'm aware of, no.  
3 Q Are there records kept of when inmates leave  
4 their buildings? Like is there a sign-in or sign-out  
5 sort of --  
6 A No, there's no official sign-in/sign-out.  
7 Q Are there records kept of when an inmate leaves  
8 his yard, for example? The yard?  
9 A The facility, yes.  
10 Q There are records of that?  
11 A Yeah.  
12 Q How are those records maintained?  
13 A They're usually maintained in central control  
14 on the computer or in the -- on a 154 inmate movement  
15 sheet. Are you referring to an inmate from one yard to  
16 another yard?  
17 Q Just -- if you were to go to CTC, for example,  
18 would there be a record of him leaving the yard to go to  
19 the CTC?  
20 A On that kind of a basis, not that I'm aware of.  
21 Q What kind of basis are you aware that there are  
22 records that maintain a prisoner's movement within the  
23 facility?  
24 A There's a record of inmate movement from one  
25 facility to another facility to be housed on a 154.

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1 Q So if he's actually moving cells?  
2 A Yeah, if he's changing locations.  
3 Q But there aren't records of just leaving for  
4 the day and coming back, like, for example, for going to  
5 work or going to see a doctor or going to school or  
6 whatever they do?  
7 A There are certain records for work, they have  
8 inmate timecards that are kept.  
9 Q And those are work-specific?  
10 A Yeah.  
11 Q They're not -- there's no record kept of  
12 actually leaving the building, of every inmate who  
13 leaves the building?  
14 A No.  
15 Q And there's no record kept for those kinds of  
16 examples, of an inmate leaving the yard?  
17 A Not in the building, no, not that I'm aware of.  
18 Q So if Mr. Williams -- if an inmate were to  
19 leave Building 5 to go to -- what are we calling --  
20 Facility 5 Health Services -- Facility B Health  
21 Services -- so if an inmate were to leave Building 5 and  
22 go to Facility B Health Services, there would be no  
23 record of what time that inmate left Building 5?  
24 A Not that I'm aware of.  
25 Q If the inmate left Building 5 to go to CTC,

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1 would there be any record of him leaving the building to  
2 go to CTC?  
3 A Not that I'm aware of.  
4 Q Would there be any record of him leaving the  
5 facility, Yard B, to go to CTC?  
6 A Not that I'm aware of.  
7 Q Do you have any idea whether there would be a  
8 record of him leaving -- excuse me.  
9 Do you have any record of there -- do you have  
10 any idea if there would be a record of him leaving  
11 Facility B Health Services to go to CTC?  
12 A Not that I'm aware of.  
13 Q Who is your supervisor at Salinas Valley State  
14 Prison?  
15 MR. McDONOUGH: Objection. Vague as to time.  
16 THE WITNESS: Currently?  
17 BY MR. CALABRO:  
18 Q During August and September of 2003.  
19 A I don't recall my -- my supervisor's name at  
20 the time.  
21 Q How did your supervisor, to the best of your  
22 knowledge, supervise you?  
23 MR. McDONOUGH: Objection. Speculative.  
24 THE WITNESS: Can you -- can you clarify that?  
25 BY MR. CALABRO:

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1 THE WITNESS: No, that's not true.  
2 BY MR. CALABRO:  
3 Q In Building 5, does your -- when you're working  
4 in Building 5, did your supervisor have an office -- an  
5 office there?  
6 A No.  
7 Q Does your supervisor come in on a daily basis  
8 and watch you work in Building 5?  
9 MR. McDONOUGH: Objection. Speculative.  
10 THE WITNESS: Not that I -- not that I know of.  
11 Not that I can recall.  
12 BY MR. CALABRO:  
13 Q You're not aware of him observing you in  
14 Building 5 while you work?  
15 A Not on a daily basis.  
16 Q How often does he come in to observe you?  
17 MR. McDONOUGH: Objection. Speculative.  
18 THE WITNESS: I can't -- I don't -- I can't  
19 recall how often he came in.  
20 BY MR. CALABRO:  
21 Q Do you remember him ever coming in to observe  
22 you?  
23 A I know he has came in the building before, yes.  
24 Q Do you remember seeing him in the building --  
25 A Yes.

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1 Q Sure. How did he monitor what you did on a  
2 daily basis?  
3 MR. McDONOUGH: Objection. Speculative.  
4 THE WITNESS: I don't know how he did it.  
5 BY MR. CALABRO:  
6 Q Did you ever have any review, like an annual  
7 review?  
8 A Yes, we do have reviews.  
9 Q What -- what's contained in those reviews?  
10 A Our -- our performance.  
11 Q How did -- to the best of your knowledge, how  
12 did your supervisor observe your performance to evaluate  
13 you?  
14 MR. McDONOUGH: Objection. Speculative.  
15 THE WITNESS: I don't know how he did it.  
16 BY MR. CALABRO:  
17 Q You have no idea?  
18 A No.  
19 Q Just all of a sudden you're in an evaluation?  
20 A No, I don't know how he does his -- how he does  
21 his reports, evaluations.  
22 Q So we can at least agree that there's no  
23 supervisor that watches you every day as you work?  
24 MR. McDONOUGH: Objection. That's a  
25 mischaracterization of the testimony.

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1 Q -- in August or September of 2003?  
2 A No, I can't recall exactly seeing him.  
3 Q Is it fair to say that on a daily basis you  
4 don't see your supervisor in Building 5?  
5 MR. McDONOUGH: Objection. Vague, ambiguous.  
6 THE WITNESS: No.  
7 BY MR. CALABRO:  
8 Q It's not -- we had a double negative there:  
9 Do you see your supervisor on a daily basis in  
10 Building 5?  
11 A Not on a daily basis.  
12 Q So he doesn't observe you on a daily basis  
13 interacting with prisoners?  
14 MR. McDONOUGH: Objection. Speculative.  
15 THE WITNESS: I don't know.  
16 BY MR. CALABRO:  
17 Q To the best of your knowledge, he doesn't  
18 observe you interacting with prisoners?  
19 MR. McDONOUGH: Objection. Speculative.  
20 THE WITNESS: Yeah, I don't know if he does.  
21 BY MR. CALABRO:  
22 Q You don't know of him observing you interacting  
23 with prisoners?  
24 MR. McDONOUGH: Objection. Speculative.  
25 THE WITNESS: Not that I know of.

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1 BY MR. CALABRO:  
2 Q How did you first meet Gerry Williams?  
3 A I can't recall the first day I met him. I  
4 was -- I was in his building and he was housed in B5.  
5 Q Do you remember the first time you -- not the  
6 date, but do you remember the incident when you first  
7 met him?  
8 A No, I don't.  
9 Q Do you remember any -- do you remember any  
10 interaction with him prior to August 2003?  
11 A No.  
12 MR. McDONOUGH: Prior to August -- okay, sorry.  
13 BY MR. CALABRO:  
14 Q So prior to August of 2003, is it fair to say  
15 that you've never had any interaction with Gerry  
16 Williams, or you just don't remember any?  
17 A I just can't recall any -- any interactions.  
18 Q So you don't recall any conflict you've had  
19 with Gerry Williams?  
20 A I can't recall any conflicts.  
21 Q You can't recall anytime that Gerry Williams  
22 has been insubordinate to one of your commands?  
23 A Not to me, no.  
24 Q Have you ever -- had you ever heard of Gerry  
25 Williams before August of 2003?

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1 A I heard about it through the court paperwork.  
2 Q Through the court -- is that the only way  
3 you've heard about it?  
4 A Yes.  
5 Q Did you not talk to Officer Roach about it?  
6 A No.  
7 Q At all?  
8 A No.  
9 Q Have you talked to Gerry Williams about it?  
10 A No.  
11 Q Do you know anything about the fight?  
12 A No, I don't.  
13 Q Have you heard anything from anybody about the  
14 fight?  
15 A No.  
16 Q Have you heard anything from anybody about  
17 Mr. Williams being pepper-sprayed during that fight?  
18 A Only through the court papers.  
19 Q Did you talk to Officer Roach about that?  
20 A No, I haven't.  
21 Q Have you heard anything about Mr. Williams' --  
22 scratch that.  
23 Have you ever heard -- have you heard that  
24 Mr. Williams has been unhappy about the way he was  
25 treated that day?

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1 A Not that I can recall, no.  
2 Q You don't remember any guard talking to you  
3 about an inmate named Gerry Williams?  
4 A No.  
5 Q So it's fair to say that Gerry Williams never  
6 did anything to upset you before August of 2003?  
7 MR. McDONOUGH: Objection. Mischaracterization  
8 of the testimony, lacks foundation.  
9 THE WITNESS: Not that I can recall.  
10 BY MR. CALABRO:  
11 Q I'd like to talk about August 3 of 2003. Now,  
12 this is not the day in question, but this is another day  
13 that's related to the lawsuit. On August 3 of 2003, if  
14 we look at your schedule, it appears, based on your  
15 schedule, that you were working in Building 5 that day;  
16 is that true?  
17 A Correct.  
18 Q Do you remember working in -- on August 3rd in  
19 Building 5 that day?  
20 A I don't recall the exact day, no.  
21 Q There was a cell fight on that day between  
22 Gerry Williams and his cellmate at the time. Are you  
23 aware of that fight?  
24 A I'm aware of it now, yes.  
25 Q How did you hear about the fight?

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1 A Am I aware of it? No.  
2 Q Have you heard anything about how Mr. Williams  
3 is unhappy about the way he was treated that day?  
4 A No. I'm sorry, can I clarify?  
5 Q Sure.  
6 A Are you talking regarding August 3rd; right?  
7 Q August 3rd.  
8 A Okay, yeah, I'm not aware of any --  
9 Q Were you aware that Mr. Williams filed an  
10 appeal form -- I think you guys referred to it as CDC  
11 602 -- related to this cell fight on -- that occurred on  
12 August 3rd, 2003?  
13 A I was not aware at the time, not until I got  
14 the court documents.  
15 Q But you've heard of it now?  
16 A I've heard of it now.  
17 Q What -- is it only through the court documents  
18 that you've heard of it?  
19 A Yes.  
20 Q Have you talked to Officer Roach about it?  
21 A No.  
22 Q How often do you talk to Officer Roach?  
23 A Not very often.  
24 Q Do you still work in Building 5?  
25 A No.

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1 Q Does Officer Roach still work in Building 5?  
2 A No, not that I know of.  
3 Q Do you know where Officer Roach works?  
4 A Not -- not -- no, I don't.  
5 Q Do you work with Officer Roach on the same  
6 shifts?  
7 A Not that I'm aware of.  
8 Q Have you talked to Officer Roach in regards to  
9 this lawsuit at all?  
10 A No.  
11 Q Not once?  
12 A No, not regarding the lawsuit, no.  
13 Q Have you talked to him at all regarding the  
14 allegations in the lawsuit?  
15 A No.  
16 Q Have you talked to any of the other officers  
17 about this lawsuit?  
18 A No.  
19 Q No one else talks about this lawsuit at Salinas  
20 Valley State Prison?  
21 A No.  
22 Q Have you talked to the litigation coordinator  
23 at Salinas Valley State Prison about this suit?  
24 A Yes.  
25 Q What was the content of your discussion with

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1 A I -- I arrived to work at 2 o'clock.  
2 Q Okay.  
3 A There was -- I believe we had dayroom out in  
4 Building 5. After dayroom was recalled, we start --  
5 Q What time is dayroom recalled?  
6 A Approximately 3:30.  
7 Q Okay. So dayroom was recalled at 3:30, and  
8 what did you do?  
9 A And then we cell-feed Buildings 1 through 5.  
10 Q What time does cell-feed start?  
11 A We usually, generally, start around 4 o'clock.  
12 Q And were you cell feeding because there was  
13 modified program?  
14 A I believe so, best of my knowledge, yeah.  
15 Q So from 3:30 to 4:00, you get the inmates back  
16 into their cells and, starting at 4 o'clock, you begin  
17 cell feeding?  
18 A Um-hmm.  
19 Q How long does cell-feed last?  
20 A It varies. Depending on the meal they're  
21 having and how many -- how many officers we have  
22 available.  
23 Q How long -- do you remember how long it lasted  
24 this day?  
25 A Not exactly, no. I -- I would -- at least two

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1 him?  
2 A He had me sign some interrogatories.  
3 Q Is that it?  
4 A Pretty much, yes.  
5 Q So the first time you were aware that  
6 Mr. Williams filed a 602 against Officer Roach related  
7 to the August 3, 2003, incident was through this  
8 lawsuit?  
9 A Yes.  
10 Q And you haven't had any discussion with anybody  
11 else about it since then?  
12 A No.  
13 Q Or at any other time; right?  
14 A Besides my attorney.  
15 MR. McDONOUGH: Right, I'm going to object on  
16 any of those conversations being attorney-client  
17 privileged.  
18 BY MR. CALABRO:  
19 Q Other than your attorney?  
20 A No, I have not.  
21 Q Okay. Let's talk about September 6th, 2003.  
22 Now, this is the day in question. Do you remember what  
23 your schedule was that day?  
24 A Vaguely, yes.  
25 Q What was your schedule?

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1 hours. I think we were done by 6 o'clock.  
2 Q Is that the customary amount of time that it  
3 would take to cell-feed, two hours?  
4 A It always varied.  
5 Q It always varied?  
6 A Yes.  
7 Q What was the next scheduled activity?  
8 A The -- the 1800 count.  
9 Q So there were times when -- if 1800 count is at  
10 6:00, sometimes cell feeding would go past the count?  
11 A That's correct.  
12 Q If cell feeding goes past the count, do you  
13 finish cell feeding before your count or do you count  
14 and then do cell feeding?  
15 MR. McDONOUGH: Objection, calls --  
16 MR. CALABRO: I'm sorry.  
17 MR. McDONOUGH: You finish your question.  
18 I'll --  
19 MR. CALABRO: Let's start again.  
20 MR. McDONOUGH: Okay.  
21 BY MR. CALABRO:  
22 Q If the cell feeding goes past count or 6  
23 o'clock, do you still do the count at 6 o'clock and  
24 finish cell feeding later, or do you finish -- do you  
25 complete cell feed and then you do the 6 o'clock count?

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1 MR. McDONOUGH: Objection. Calls for  
2 speculation.  
3 THE WITNESS: Generally we will have -- we will  
4 have to do count and then continue cell feeding.  
5 BY MR. CALABRO:  
6 Q Okay. Do you remember on this day whether cell  
7 feeding was finished before or after the count?  
8 A Best of my knowledge, it was before count.  
9 Q So you were done cell feeding before the 6  
10 o'clock count?  
11 A To the best of my knowledge.  
12 Q Are you really confident in that or are you  
13 just -- are you just guessing?  
14 A Giving you the best -- the best of my knowledge  
15 of what I remember, yeah.  
16 Q Right. And I'm just asking whether you are  
17 completely confident in that, like it's a hundred  
18 percent confident, like I know that that happened, or  
19 I'm pretty sure that's what happened, but I can't be  
20 sure?  
21 A More the latter.  
22 Q Okay. What did you do after the count -- were  
23 you part of the count at 6 o'clock? Did you take part  
24 in counting the inmates at 6 o'clock?  
25 A Yes.

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1 out to the dayroom with -- and join the activities of --  
2 you know, the dayroom activities, and I told him that he  
3 was not able to come out because of his loss of  
4 privileges.  
5 Q Now, was that -- so that was before 7:15?  
6 A Yes.  
7 Q Do you remember what time that was?  
8 A It was approximately 7 o'clock, when we do  
9 dayroom release.  
10 Q What did -- what was -- how did Mr. Williams  
11 appear at 7 o'clock?  
12 A My observation, he appeared -- he appeared  
13 normal, like he always did.  
14 Q What was he doing at the time?  
15 A He was standing at the window asking me to come  
16 out.  
17 Q What was his tone of voice?  
18 A Calm.  
19 Q And do you remember this with certainty or you  
20 think it was calm?  
21 A I'm pretty certain it was calm.  
22 Q Was his cellmate in at the time?  
23 A Excuse me?  
24 Q Was his cellmate in the cell at the time?  
25 A To the best of my knowledge, he was, yeah.

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1 Q What did you do after the count?  
2 A I can't recall what I did after count.  
3 Q At all? You don't remember anything that  
4 happened after the count?  
5 A In what time frame?  
6 Q At all. I mean, what's the next thing you  
7 remember doing?  
8 A The next thing I remember is doing -- releasing  
9 dayroom.  
10 Q What time do you release dayroom?  
11 A Approximately 7 o'clock.  
12 Q How long does that take?  
13 A Depends.  
14 Q Do you remember?  
15 MR. McDONOUGH: Objection. Calls for  
16 speculation.  
17 BY MR. CALABRO:  
18 Q Do you remember how long it took that day?  
19 A I can't recall exactly. Within 15 minutes.  
20 Q Takes 15 minutes?  
21 A Yeah.  
22 Q Do you remember what happened next? What's the  
23 next thing you remember happening?  
24 A While releasing the dayroom, when we -- when I  
25 passed Williams' cell, he asked me if he could also come

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1 Q Do you remember or are you guessing?  
2 A I don't remember exactly, I'm just -- best of  
3 my knowledge, they should have all have been in their  
4 cells.  
5 Q Well, I mean, he could have been working or in  
6 school or something, right?  
7 A It could have been, yeah, so --  
8 Q Let me ask you this. Do you remember his  
9 cellmate being there at the time?  
10 A No.  
11 Q What did you say to Mr. Williams when he asked  
12 to be let out?  
13 A I recall saying that he cannot come out to the  
14 dayroom because he was on loss of privileges.  
15 Q What was your tone of voice?  
16 A Calm.  
17 Q What did he say in response?  
18 A I can't recall what he said in response.  
19 Q This was around 7 o'clock. And then until  
20 7:15, you continue doing dayroom release. What happened  
21 then? What do you remember next happening?  
22 A On -- September of 2003 -- or 2006 (sic)?  
23 Q Yeah, September 6th, 2003, you were releasing  
24 dayroom from 7:00 to 7:15. What do you remember next?  
25 A That Williams asked me if he could come out of

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1 his cell to go see an MTA.  
 2 Q So this is a separate time that he asked?  
 3 A At 7:15, September 6th, 2003.  
 4 Q So had you finished dayroom release at this  
 5 point or --  
 6 A I can't recall if we were finished or not.  
 7 Q It was about the time that you finished dayroom  
 8 release?  
 9 A Yes.  
 10 Q And what was his tone of voice at this point?  
 11 A He seemed to be calm.  
 12 Q Could you observe him at this point?  
 13 A Yeah.  
 14 Q What -- what was he -- what was he doing?  
 15 A Talking to me through the window.  
 16 Q Was he standing?  
 17 A Standing.  
 18 Q Did he appear to be in pain?  
 19 A He didn't appear to be in pain as far as --  
 20 Q Was he clutching his chest?  
 21 A No.  
 22 Q Do you remember his roommate being there?  
 23 A I still don't remember his roommate being in  
 24 the cell at that time.  
 25 Q Do you remember exactly what he said?

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1 A Yes.  
 2 Q But you didn't doubt that he was having trouble  
 3 breathing?  
 4 A No, I didn't doubt him.  
 5 Q Was there anything at this point that stopped  
 6 you from calling an MTA?  
 7 A No.  
 8 Q Was there anything at this point that stopped  
 9 you from just sending him to the MTA?  
 10 A Yeah, because they were unavailable to see him.  
 11 Q How did you know that?  
 12 A Because I made a telephone call at that time to  
 13 the MTAs.  
 14 Q You called at 7:15?  
 15 A Approximately 7:15, yeah.  
 16 Q Why did you call first?  
 17 A Because I didn't -- I didn't doubt that he was  
 18 having trouble breathing.  
 19 Q I mean, why didn't you just send him to the MTA  
 20 instead of calling first?  
 21 A Because we -- I mean, because we can't just  
 22 send everybody to the MTAs without letting them know  
 23 what we've got, if it's, you know, unusual occurrence.  
 24 Q Do you -- so do you always call before you send  
 25 somebody to the MTA?

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1 A The best of my knowledge, he just asked if he  
 2 could come out of his cell to go see the MTA.  
 3 Q Did he tell you why?  
 4 A Yeah, I asked him why he wanted to see the MTAs  
 5 and he said he was experiencing -- he was having trouble  
 6 breathing, and then I asked him -- I believe I asked  
 7 him, at that time, if he was having -- if it was an  
 8 emergency, and he told me no, but he wanted to see the  
 9 MTAs.  
 10 Q But he wanted to see the MTA?  
 11 A Yeah.  
 12 Q Now, when he was saying this, when he was  
 13 having trouble breathing, was he clutching his chest?  
 14 A No, not -- not to -- not that I saw.  
 15 Q Was he making any sort of gesture that would  
 16 indicate that he was having trouble breathing?  
 17 A No.  
 18 Q Did you doubt that he was having trouble  
 19 breathing?  
 20 A No.  
 21 Q Did you doubt that he was having chest pains?  
 22 A He didn't really -- he didn't really say he was  
 23 having chest pains at the time.  
 24 Q Oh, he didn't. He just said he was having  
 25 trouble breathing?

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1 A I can't say always, because sometimes  
 2 they're -- they're supposed to go there at certain  
 3 times.  
 4 Q So you're saying sometimes they have an  
 5 appointment?  
 6 A Yes.  
 7 Q If they don't have an appointment, do you  
 8 always call before you send them to the MTA?  
 9 MR. McDONOUGH: Objection. Overbroad.  
 10 THE WITNESS: Not always, no.  
 11 BY MR. CALABRO:  
 12 Q When -- do you remember an instance in which  
 13 you didn't call before you sent somebody to the MTA  
 14 without having an appointment?  
 15 A Yes, when the diabetics go about at 3 o'clock,  
 16 they are just released to them at 3 o'clock.  
 17 Q Okay. So that was an example of them having an  
 18 appointment; right?  
 19 A Not an appointment, no.  
 20 Q Oh, okay. Any other example in the past that  
 21 you remember where you sent somebody to the MTA who  
 22 didn't have an appointment without calling first?  
 23 A No.  
 24 Q So typically, you call before you send somebody  
 25 to the MTA?

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1 A Yes.  
2 Q So you called at 7:15, and they said what? You  
3 called the MTAs around 7:15 p.m.?  
4 A Um-hmm.  
5 Q And what did you tell them?  
6 A I told -- I told the MTAs that I talked to that  
7 Inmate Williams was complaining of trouble breathing,  
8 and he wanted to go to their location.  
9 Q What did they say?  
10 A They asked me if it -- if it was an emergency,  
11 and they also said that they would check his medical  
12 file, his history, and get back to me.  
13 Q Did you tell them it was an emergency?  
14 A No.  
15 Q Did you tell them it wasn't an emergency?  
16 A Yes.  
17 Q On what basis did you say it was not an  
18 emergency?  
19 A I asked Mr. Williams at the time, 7:15, when  
20 I -- when he told me he needed to see the MTAs, he told  
21 me it was not an emergency.  
22 Q Okay, so they said they would check his file?  
23 A Correct.  
24 Q And then were you supposed to call them back or  
25 were they going to call you back?

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1 BY MR. CALABRO:  
2 Q You didn't -- you didn't notice that his pain  
3 was increasing?  
4 A No, he told me his pain was increasing.  
5 Q He told you his pain was increasing. Could you  
6 see him at this point?  
7 A Well, if he got my attention, yes.  
8 Q But you weren't looking at him?  
9 A At which point were you talking about?  
10 Q At any point between 7:15 to 8 o'clock.  
11 A Yeah, I do look -- I look around. I mean --  
12 Q And did you see him when you were looking  
13 around?  
14 A Yes, I did.  
15 Q And what did -- what was he doing?  
16 A Just standing at the window.  
17 Q Did he look like he was in pain?  
18 A No.  
19 Q At any point between 7:15 and 8 o'clock, he  
20 didn't look like he was in pain?  
21 A He didn't appear to be, no.  
22 Q At 7:15 when you called the MTA, and they told  
23 you they would call you back, did you go back to  
24 Mr. Williams --  
25 A Um-hmm.

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1 A They told me that they would call me back.  
2 Q What do you remember happening next?  
3 A Oh, we continued dayroom and he told me that he  
4 was -- his pain was increasing, and that he needed to go  
5 see the MTA, and at that time, I called the yard staff  
6 on the radio and had them come pick him up and escort  
7 him over there to the MTAs' office.  
8 Q The CR staff?  
9 A The yard staff.  
10 Q Oh, the yard staff?  
11 A Yes, sir.  
12 Q How much time elapsed from when you placed the  
13 call until you called the yard staff -- I'm sorry, how  
14 much time elapsed from the time you placed the call to  
15 the MTAs, around 7:15ish, until you called the yard  
16 staff to send him to the MTAs?  
17 A It was approximately 45 minutes.  
18 Q And how do you remember that?  
19 A That's just -- that's just what I recall.  
20 Q How far away were you from Mr. Williams when  
21 you observed his pain increasing?  
22 MR. McDONOUGH: Objection. Mischaracterization  
23 of the evidence and lacks foundation.  
24 THE WITNESS: Can you clarify? I didn't notice  
25 his pain increasing. He told me that his pain --

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1 Q -- and tell him what happened?  
2 A Yes, I notified him.  
3 Q What did you tell him? What did you tell him?  
4 A I notified him that I called the MTA.  
5 Q And what did he say?  
6 A I can't recall what he said after I told him.  
7 Q Was his cellmate there at the time?  
8 A I can't recall if he was or not.  
9 Q You don't remember anything that he said when  
10 you went back to him at 7:15? You don't remember if he  
11 asked -- or to see them immediately or anything like  
12 that?  
13 A I don't recall them saying that, no.  
14 Q You don't remember anything that he said?  
15 A No.  
16 Q What did you do then?  
17 A I sat at the podium and observed the dayroom  
18 that was out.  
19 Q Did you -- how long did you stay at that  
20 podium?  
21 A I can't recall. It could have been  
22 approximately 30 minutes, 40 minutes.  
23 Q Did you get down from the podium between the  
24 time that -- that you talked to Mr. William and the time  
25 that you called the yard staff to come pick him up?

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